

EXHIBIT AA

CONFIDENTIAL

To: NCAI President Brian Cladoosby
From: NCAI Director of Operations Nicole Hallingstad
Date: April 22, 2017
RE: Damaging Human Resources Actions of NCAI Executive Director Jackie Pata

Dear President Cladoosby,

I am writing to you in my capacity as Director of Operations for NCAI, and out of concern for the long term health and sustainability of this organization. I wish to alert you to some alarming human resource activity that I believe will have long term detrimental effects on NCAI. I have attempted to work with NCAI's current Executive Director Jackie Pata on many of these issues, but find my efforts blocked, marginalized, or simply ignored.

In my opinion based on direct observation, the work environment and culture at NCAI does not support equitable employee treatment, does not allow NCAI to recruit high talent individuals because of its growing reputation of dysfunction, and does not allow NCAI to retain many bright and skilled employees who have left because of the poor judgement and inequitable treatment exhibited by Jackie Pata.

Jackie's lack of human resource judgement has resulted in behavior from her that is actionable, which I believe will eventually lead to a lawsuit from any number of current or former NCAI employees. Her decision making and actions have created a liability that you as President of NCAI should know about. I am personally and professionally concerned, as the liability extends to me as the Director of Operations, to you as the acting president of NCAI, to members of the Executive Committee of NCAI, and to the organization as a whole. The liabilities created by Jackie are a risk that can be evaluated and mitigated. I am asking you as President to consider what I present here in writing, and act with your duty of loyalty and care to NCAI in the best interest of the organization.

I have been with NCAI since June of 2015. In the nearly two years I have been here, I've witnessed several examples of poor human resource judgement from Jackie that have already proven detrimental to NCAI. More detail is provided here around three instances in particular:

1. Jackie's disturbing favoritism toward NCAI's General Counsel John Dossett that allows him to harass, belittle and disrespect colleagues in the workplace, resulting in an unresolved sexual harassment charge from June 30, 2016;
2. Jackie's inability to act without a conflict of interest and remove herself from a disciplinary action involving her husband, Chris Pata, as a result of Chris's behavior in the workplace on March 20, 2017; and
3. Jackie's refusal to terminate an employee who stole and distributed a confidential internal document in order to advantage certain applicants for an NCAI Fellowship on April 5, 2017.

1. The first situation involves Jackie's mishandling of an allegation of sexual harassment against John Dossett by a current female employee. I have outlined the broad strokes of the situation below that expose NCAI to potential litigation. More details would be available through conversations with the employees involved, should you request that.

- On June 30, 2016 in Spokane, WA several NCAI employees were in violation of the no-alcohol policy during conferences after the conclusion of activities the last day of Mid Year Conference. Mr. Dossett's behavior accompanying a female employee back to the staff hotel and his actions in the hotel bar and lobby made the female employee uncomfortable and fear for her safety.

- The employee immediately reported the behavior to her supervisor Denise Desiderio, who reported the behavior to Jackie. Jackie committed to talking to each of the employees about their actions. However, Jackie was involved in the health matters of several family members immediately following Mid Year 2016, and was absent from NCAI headquarters for nearly two months.
 - To my knowledge the conversations did not happen for more than eight weeks after the fact. While I am sympathetic to Jackie's loss of her father and aunt within this period, she was not on bereavement leave. She continued to function, cyber-commute, and receive compensation as Executive Director. Her inaction reflects poor decision making, a lack of willingness to create an equitable work environment, and a lack of respect for the employee grievance process.
 - Jackie told me months later about the incident, and her conversations with Mr. Dossett and the female employee. Once involved by Jackie's disclosure, I stated that mere conversations weren't enough to resolve the matter. I recommended that Jackie write letters of discipline to place in each employee's file, and discuss each letter individually with each employee. I recommended both employees be offered resources such as HR training that would give them a better understanding of their behavior in the workplace. Jackie committed to writing the letters and agreed the training resources should be made available. She said she would continue to handle the matter.
 - To this day, these letters have not been submitted for the employee files. The female employee has confirmed no follow-up conversation has taken place, nor training offered. I sent Jackie an email reminder on March 6, 2017 to please write these letters and bring the issue to resolution. I received neither an acknowledgment nor a reply from Jackie to my email of March 6.
 - The female employee is highly dissatisfied with the handling of this matter. She has worked through her supervisor to seek closure. Jackie has not taken the appropriate action. The absence of disciplinary action benefits Mr. Dossett significantly, and creates a hostile work environment for the female employee.
 - This is the sexual harassment incident referenced by Sam Owl in his email to you on approximately March 24 regarding a separate matter (see item #2).
2. Jackie's interference with Sam's disciplinary action of his employee Chris Pata, who is Jackie's husband, is troubling additional evidence of her demonstrable poor human resource judgment.
- On March 20, 2017 Chris Pata acted in violation of several NCAI policies and Jackie immediately inserted herself in the resolution sought by Sam as Chris's supervisor, disregarding her conflicted relationship with Chris.
 - When I asked her about the incident that same day, Jackie told me she didn't want me involved because she didn't want any other staff involved. She demanded that Sam run the conflict resolution through her, and insisted on using a third party mediator, which she set up within 24 hours.
 - Jackie told Sam not to involve me because of her distrust of me, which is troubling on many levels. This is an opinion of me Jackie has never sought to express or resolve with me directly. She hasn't substantiated her claim, and I am highly concerned about the damage she may be causing to my reputation, career advancement, and compensatory future.
 - On March 24 Sam followed NCAI policy and involved Deputy Director Robert Holden, who requested that I assist him in the disciplinary matter between Chris and Sam. Together we worked to honor the rights of both employees, and set a discussion between Chris and Sam the following week on March 31. Robert Holden will attest that I remained neutral, professional and resolution-oriented throughout the process.
 - I requested via email on March 28, March 31 and April 4 to have a few moments of time with Jackie for a personal conversation with her about the matter. She refused, and communicated

by email on April 4 that she considered the matter closed and it was “time to move on” and to raise specific comments with her only by email.

- Her written response in an email to me on March 31 states that she carried an assumption, based on information that she provided to me about her husband Chris, that I could not be impartial in my dealings with him in the workplace. She states in writing that it was her perception of my response, and not actual behavior on my part, driving her desire to block me from the resolution process. This reflects discriminatory action, a conflict of interest, and an unacceptable lack of professional respect and decorum.
- Jackie’s involvement, the speed with which she acted, her insistence to Sam and to me that I not be involved, and the mediation solution she demanded revealed a clear bias in favor of her husband. She violated NCAI’s Conflict of Interest policy, interfered with Sam’s right to directly discipline his own employee, and revealed a disturbing and undocumented assessment of me which I contacted you about by email on March 29. I was hopeful the conflict could be resolved between Jackie and myself, and am discouraged that she repeatedly rejected my requests to address the issue in person.
- On March 30 my viewing access to Jackie’s Outlook Calendar was terminated. From my first week on the job, I was given viewing access to her schedule, which was highly efficient in the performance of my duties. When I asked via email why I was blocked, Jackie’s response was that it was due to an internet hacking event earlier that week. Sam Owl was also blocked on March 30. I have learned that other senior managers still have viewing access to Jackie’s calendar. This continues Jackie’s intentional discrimination toward Sam and me. She is establishing an actionable pattern of behavior.
- The disrespect, dismissiveness, discrimination, lack of emotional intelligence, and lack of leadership that Jackie’s actions and responses represent are indefensible in a modern, healthy work culture.

3. On April 6, another incident revealed Jackie’s insufficient emotional temperament and inability to create a fair, consistent and professional workplace.

- NCAI had scheduled a series of interviews for applicants to the 2017-18 Wilma Mankiller Fellowship on Thursday, April 6. The morning of the interviews, one of the applicants emailed me to disclose that the interview questions had been sent to her in advance, and she hoped she could proceed with different questions.
- Immediate emails and a phone conversation with the applicant’s father revealed that an existing NCAI Fellow had searched NCAI electronic records, found, and emailed the interview questions to three applicants on April 5.
- Jackie talked with the Fellow on April 6 to gain more information. At 5:00 pm there was a meeting between Jackie, myself, and the Fellow’s supervisor Ian Record. Ian and I had spoken before 5:00 pm and we both agreed the Fellow’s actions constituted a terminable offense. Jackie disagreed and spoke at length about making the incident a ‘teachable moment’ for an employee who maybe didn’t have the best mentors, or parents, or even a decent home life.
- I stated that NCAI does not exist to create a home life for employees, it exists to be a professional place of employment with policies in place for good reason. Jackie replied, with Ian as a witness, “I know that’s how you would like to run NCAI, Nicole, but it’s not how I want to run NCAI.” This comment reveals everything about how Jackie structures NCAI like an extension of her own family, makes many decisions based on relationships and emotion rather than good governance, and seems to value her role as a ‘mommy’ more than an accountable Executive Director.
- After Ian left Jackie’s office, I asked her again why she refused to have a personal conversation with me about her opinion of me. She said “You don’t think I know how to do anything! You don’t think I’m smart enough to be here!” It showed an appalling lack of control, an inability to

remain level headed in the face of constructive conflict, a very deep-seated insecurity, and exposed that her opinion of me was driven by her own lack of self-esteem rather than any identifiable action from me since employed by NCAI.

- Jackie did not terminate this employee in spite of clear evidence of violation of several NCAI policies, breaching the trust of NCAI's terms of employment, interfering with an important hiring process, and admitting to the wrongdoing.
- Allowing this Fellow to stay employed with full access to NCAI's records sets a terrible example about action, consequences, governance, and fair employee treatment. It erodes NCAI's reputation as a principled employer, brightly messages that NCAI doesn't take its own policies seriously, shows Jackie's tendency to ignore human resources best practices, and exposes NCAI to accusations from employees and the applicants involved in the interview process that NCAI's own Executive Director is not fulfilling her responsibilities to act in the best interest of the organization.

The three examples detailed here are grievous human resource violations. NCAI member tribes deserve more skilled and professional executive management from the director of the organization.

There are many more examples I can give.

- Three employees were involved in the interview process for the new PRC Director. Prior to final videoconference interviews, Ian Record and I placed applicant Jay Spaan as the frontrunner, with Jackie favoring Yvette Roubideaux. For the final video interviews, Jackie brought in Sherry Salway Black as a fourth interviewer to reinforce her choice. I do not deny that Yvette interviewed extremely well. I pressed Jackie in an email on April 4 to conduct more due diligence with tribes that may object to her hiring. I am not confident this due diligence has occurred, and am concerned about the potential damage to NCAI's reputation and to the existing PRC staff from this hire. I recognize it is Jackie's discretion to make the final decision. But she is representing the choice of Yvette Roubideaux as being unanimous among the interview committee, and this is simply not true.
- Two very talented employees have recently resigned from NCAI because of Jackie's lack of sound leadership, unwillingness to hold employees accountable in an equitable manner, and deafness to senior management input about workloads and internal capacity. Malia Villegas departed in December 2016 and Colby Duren in February 2017. They both had direct conversations with me after they gave notice about their choices to leave NCAI that reinforce the statement above.
- I am aware of several other current employees who are facing severe burn-out from lack of being valued, respected, or treated fairly. I have been shown over and over again that Jackie will not be concerned with this, and that reporting it to Jackie would not change the outcome. I am aware through conversations with current senior staff about many prior employees who left for the very same reasons. In addition to the reputational damage, the cost of this employee churn to NCAI is very high. It costs approximately 40% of an employee's base salary to replace them, and companies on average don't recoup their cost of employee acquisition until 18 months after hire. Jackie calls NCAI an "incubator" to explain the loss of employees every 2-3 years.
- Employee Gabriel Pimentel was terminated for non-performance effective October 20, 2016. His supervisor Denise Desiderio appealed to Jackie several times in the months prior to release him for lack of performance. Gabe was allowed to submit his 'resignation' on September 20, and against the advice of Denise and myself, Jackie permitted him to remain in employment for 4 more weeks with full access to NCAI systems. During that time Gabe deleted every email from his Outlook account, and every grant and project file he was responsible for during his employment. This loss of grant records resulted in an Auditor Comment in the 2017 NCAI audit.

- On October 26, 2015 I questioned Jackie about the allegations of tribal conflict involving her husband Chris Pata. I asked from an enterprise risk management perspective if there was any way NCAI should prepare for potential impact to the organization if state and/or federal charges resulted. Jackie would not entertain a conversation about crisis management or talking point preparation. She said the board had been informed and there was no need to discuss it further. This was my first exposure to how Jackie was unable to recognize her own conflict of interest when it concerned her husband in the NCAI workplace.
- On May 23, 2015 I was told by Jackie during a verbal job offer negotiation that my compensation would automatically increase 2-3% annually to account for inflation and cost of living increases. When I raised this during my first year evaluation in July 2016, Jackie said she did not remember saying this and that the increase was discretionary, and I would not be receiving an increase. This exchange is documented in my written evaluation. I consider it a renegeing of an employment agreement.

This statement is not intended to be exhaustive, in spite of its length. It is written for the purposes of disclosure to the only authority within NCAI's governance structure situated above the Executive Director.

NCAI is losing the ability to recruit and retain the very best staff to fulfill its mission to tribal nations because its Executive Director does not have the required skills to optimally manage its human capital. This prevents NCAI from ever reaching its potential as a center of excellence for research and advocacy in support of tribal sovereignty. As a result, I believe this reflects badly not only on me and other employees of NCAI, but on you as President and every tribal leader who serves on the Executive Committee.

I recognize this statement constitutes my observations alone, and that Jackie would likely present very different accounts of this content. However, I can fully document every statement I have made. I ask that you hold it in confidence until such a time as you may elect to act upon it as President. I offer it for your information in deciding the future course of NCAI, however helpful it may be.

ADDENDUM – June 22, 2017:

I am updating this letter to include other HR infractions that have come to my attention since April 22, 2017. They are serious and should be added to the incidences above in reflecting the inability of Jackie Pata to observe NCAI's policies regarding HR matters.

- June 19, 2017: CONFIDENTIAL – an employee reported to their supervisor via email on this date, and to me in a conversation in my office on this date, that comments and behavior by both Jackie and Chris Pata made that employee extremely uncomfortable during the Mid Year conference. Jackie involved herself in the relations between her husband Chris Pata and other NCAI employees working at Registration, attempting to mitigate tension between Chris and the other employees. Once again, Jackie was unable to observe her professionally conflicted relationship to Chris Pata, in violation of NCAI policies. I reported the employee's conversation to Jackie in an email on this same date, reminding her that I have an obligation to uphold, and she has an obligation to observe, our policy on Conflicts of Interest in the workplace. As of June 22, 2017 I have not received an acknowledgment of this email or a response from Jackie.

- June 14, 2017: I have been made aware of an allegation of harassment from former employee Melinda Warner filed on May 30, 2014. To the knowledge of Samuel Owl, human resources employee at the time, the offender was never addressed and Ms. Warner left the employment of NCAI shortly thereafter.
- June 8, 2017: I had been assigned to the No Travel List for the 2017 Mid Year Conference. By June 8, I was the only senior staff member to remain on the No Travel List. Staffers much junior to me in experience and time-served at NCAI were brought to work at the conference. The reason given for the No Travel List was a restriction of funds, and that only employees covered by grants would be allowed to travel. Many staffers not covered by grant funds were allowed by Jackie to travel to Mid Year. Jackie sent an email to me at 11:17 pm on Thursday, June 8 stating she felt it was 'only fair I get to ask you to come' to Mid Year. This was literally an eleventh-hour offer which I could not accept, as I had scheduled significant work at the Embassy during conference week, having been on the No Travel List for over a month. Further, there were no rooms available on Friday, June 9 for me to arrive at Mid Year. This action continues a trend of Jackie diminishing me in the workplace, exacerbated in recent weeks by giving me 48 hours' notice on May 10, 2017 to vacate my office prior to the arrival of Dr. Yvette Roubideaux so that she could occupy that space, and then directing me on May 19, 2017 to move again to the basement of the Embassy. I believe my assignment to the No Travel List and forced double office move are retaliatory actions, in response to assisting Samuel Owl in a disciplinary matter with his employee Chris Pata on March 31, 2017. Taken with other marginalizing behavior towards me, I believe Jackie's action establish a pattern of Wrongful Constructive Dismissal, a legal term to describe the employer wrongfully making working conditions so intolerable that the employee is forced to resign. Wrongful Constructive Dismissal is illegal.

EXHIBIT BB

Official Report of Sexual Harassment

February 26, 2018

This is a report of an interaction I had with **John Dossett, General Counsel at the National Congress of American Indians**, which involved an unwanted and deeply inappropriate comment (or joke, as he may qualify) that was sexual in its nature.

In our Employee Handbook, Section 1. The Way We Work: Sexual Harassment (p.8):

“While it is not easy to define precisely what sexual harassment is, it may include: unwelcome sexual advances, requests for sexual favors, and/or verbal or physical conduct of a sexual nature including, but not limited to, sexually-related drawings, pictures, jokes, teasing, e-mails, text messages, uninvited touching, or other sexually-related comments.”

It was Thursday, June 30, 2016—the last day of our NCAI Mid Year Conference in Spokane, Washington. After packing up the office and being dismissed, I walked alone back to The Davenport Grand. As I entered the lobby, Gwen Salt and Annarae Steele called me over to the lounge area, where they were debriefing after an eventful week. John Dossett and Colby Duren were also present, watching the final 15 minutes of the Euro Cup Semi-Finals on the lounge’s TVs—it was a match between Poland and Portugal.

Brian Howard and Denise Desiderio entered the lobby and we spoke for a few minutes. Brian suggested that we all meet up to celebrate the end of the conference at a pub around the corner where his cousin happened to work—The Onion Bar & Grill. It was around 4:00pm at the time—he suggested meeting back in the lobby at 6:00pm to head over as a group.

The Euro Cup game ended shortly thereafter. I recall disappointedly texting my husband, who is Polish, when Poland lost in the final shootout after a 1-1 tie. As we began to gather our things to head up to our hotel rooms, John Dossett asked the group, “So what’s the plan?”

I shared with him what Brian had outlined—that we’d have some down time and meet back in the lobby around 6:00pm to head to The Onion.

“Not until 6:00pm? What are people going to do in the meantime?” he asked.

(Others continued to chat—we were engaged in a side conversation, at this point)

I said, “I don’t know...I’m probably going to take a nap.”

John retorted, “**Alright, I guess I’ll go beat off in my room, then.**”

I was completely shocked and appalled that he, the General Counsel at NCAI for more than 20 years, would make **a reference to masturbation** in my presence and be so nonchalant about it. It was *completely repugnant* and it made me *deeply uncomfortable*. I made a swift exit to the elevators.

I doubt others in our company heard his comment, but I did raise it to Gwen Salt and Amber Ebarb later—around 6:30pm—when we were in the bathroom at the same time at The Onion. They were similarly disgusted that he would say such a thing in front of me. I have confirmed

that Gwen Salt recalls I was witness to this comment from John Dossett as recently as February 23, 2018; and Amber Ebarb recalls this incident as recently as February 26, 2018.

I was shocked into silence, because I knew what consequences were in store—I keenly observed shifts in the environment at NCAI:

- In 2015, I witnessed a former colleague who attempted to report John’s belittling and disrespectful behavior towards her (i.e. psychological harassment) and was explicitly directed by you, the Executive Director, as well as her supervisor, *to not put anything in writing* and that the situation would be handled internally.
- In 2016, I witnessed a colleague who reported an incident of unwanted, uninvited touching and physical contact by John Dossett be dismissed and discredited. The alleged perpetrator was contacted for *his* story before hers, the victim.
- In 2017, I witnessed a colleague who was punished for elevating these complaints to the attention of the NCAI Executive Board—in the interest of ensuring that they receive a response that reporting employees would deem “satisfactory or consistent” with our Sexual Harassment Policy (Employee Handbook, p. 9).
- In 2017, I witnessed our Employee Handbook undergo revisions designed to pare back Human Resources support for employees within the organization.

I was shocked into silence, but I will no longer remain silent. John Dossett’s comment was *inexcusable* and *wrong* for our workplace, its culture, and the values it claims to espouse.

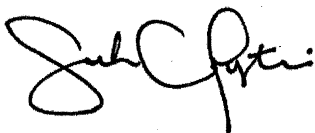
There is power in giving testimony to my experience—because it, alongside the many others, will overturn the oppressive culture of silence and countless efforts to cover up bad behavior at NCAI. My hope is that women will, for a change, be *believed*.

The incredible surge of awareness around, and actions to combat, sexual harassment in the workplace has allowed me to overcome my fear of retaliation. And yet I fear efforts to silence harassment complaints, and the NCAI employees who bravely report them, will continue.

Given that “it is our policy to encourage discussion of the matter, to help protect others from being subjected to similar inappropriate behavior” (Employee Handbook, p. 9), I look forward to your response to this report and hearing what will be done to ensure this behavior is not repeated—for the protection of *all* women in the workplace.

I hereby submit and attest to the veracity of the above report.

Signed,



Sarah C. Pytalski
Policy Research & Evaluation Manager

EXHIBIT CC

Confidential Memorandum

Date May 2, 2018

To: John Dossett, General Council

From: Jackie Pata, Executive Director

RE: Disciplinary Action in Response to Formal Complaint Filed

John as you are aware a formal complaint was filed regarding inappropriate conduct on your part. In response to that complaint, NCAI retained an outside investigator to conduct a full investigation into the allegations of inappropriate conduct, which she found to be credible. This letter shall serve as a formal written reprimand and is to confirm in writing our discussion of May 1, 2018 concerning your unacceptable conduct and to establish my expectations for corrective actions, which I have outlined below. Additional disciplinary action may take place if there are further incidents of inappropriate conduct.

As I have discussed with you, during the investigation a number of themes regarding your treatment of colleagues emerged of unprofessional and inappropriate behavior, including yelling, bullying, being disrespectful, speaking over colleagues, insulting and derogatory emails, and sexually-charged comments. There were also statements that other partner organizations or tribes have unwillingness to work with you directly.

I personally have counseled you on several previous occasions in response to emails you sent or other conversations that were not conducive to developing positive working relationships. I have previously required you to undergo training on what constitutes appropriate workplace conduct and supervisory skills. You are expected to comply with the following conditions to improve your conduct:

- No employees or former employees should be retaliated against for sharing information regarding their concerns regarding your actions. Any retaliation will result in immediate termination.
- Any sexually-charged comments or jokes in the workplace will result in termination.
- Inappropriate email communications, see attached examples, will not be tolerated.
- NCAI is committed to working with you to improve your conduct and to rehabilitate your reputation with your colleagues. We are willing to engage a professional coach to work directly with you, at the organization's expense, to improve your communication habits and style. You will be required to participate in this process.
- Staff and manager training on harassment will be held on May 10, 2018, you are expected to attend and participate willingly and professionally in this organization-wide training.

In addition, as we have discussed, you will no longer be supervising junior staff and will be focusing your work on litigation strategy. I hope you will heed these recommendations in the spirit

they are intended. Corrective actions will not only improve your value to the organization and other's willingness to work with you as well as protect NCAI from liability.

EXHIBIT DD

From: [Montani, Sadina](#)
To: [Jacqueline Pata](#)
Cc: [John Dossett](#); [Virginia Davis](#); [Derrick Beetso](#)
Subject: RE: CONFIDENTIAL: NCAI Employee Matter
Date: Friday, August 31, 2018 11:27:10 AM

That's a good point, Jackie, though Sarah P was focused at least as much on the [REDACTED] incident as her own allegations.

It's not clear which incident the reporter refers to (which is part of why providing a ton of information would be ill-advised), but I strongly suspect it's the incident with [REDACTED]. We also know that incident has been gossiped out extensively in the community, based on comments that you all shared with me when I launched my investigation. I am still inclined to focus on that - even if this is not the event about which the reporter is expressly requesting information, it gives John the chance to respectfully but firmly deny, and move on.

What are you comfortable with, John?

Sadina

From: Jacqueline Pata [mailto:jpata@ncai.org]
Sent: Friday, August 31, 2018 11:22 AM
To: Montani, Sadina
Cc: John Dossett; Virginia Davis; Derrick Beetso
Subject: Re: CONFIDENTIAL: NCAI Employee Matter

Sadina - I think there may be two different incidents here... the one with [REDACTED] - he has tried to talk to her about.. but the one the reporter declares he has info on is the Sarah P - and John I don't think that John has tried to talk to her she left so soon after she declared her complaint with her resignation. I want to make sure what he says is accurate and not share more info on other issues than they can bring up for lack of knowledge.

Sent from my iPad

On Aug 31, 2018, at 11:13 AM, Montani, Sadina
<smontani@vedderprice.com<<mailto:smontani@vedderprice.com>>> wrote:

Hi, John.

Sorry for not responding earlier. I've been thinking through the best response and consulting with a colleague who also often handles these types of matters.

While I think a statement and denial are appropriate here, the level of detail in your response likely will only serve to add more fuel to the fire -- and very well could be far more information than the reporter knows about. Providing that lengthy of a response also might be viewed as overly defensive and, frankly, gives Nicole the type of reaction she's hoping for.

To the extent that Nicole reveals confidential information, and that's something the organization can determine based on whatever is public, that's something we'll deal with

separately. But having you take the high road, and provide minimal information, is the most prudent approach.

We are working on a separate statement on the turnover issue you've addressed. And, information regarding your salary and duties is no one's business, and I have no issue ignoring that intrusive request.

With this in mind, I propose the following:

I understand that a colleague complained about my behavior at a conference approximately two years ago. I have consistently denied, and continue to strongly deny, that I engaged in any behavior intended to be of a sexual nature or to make her feel uncomfortable. I understand and respect that her recollection of events and mine differ, and I have reached out to apologize to her numerous times. Out of respect for that individual, I will have no further comment.

I will not comment on Ms. Hallingstad's tenure with NCAI, or the views she espouses regarding NCAI management, other than to say that I strongly disagree with her characterization of NCAI leadership and question her motives.

There's a subtle dig here that Nicole (and others) are not respecting [REDACTED] in this situation, which is a complaint that [REDACTED] and others shared with me. The idea that others would use [REDACTED] as a pawn against Jackie has rightly infuriated some folks, and I think those people will recognize what you're saying here.

I hope this is helpful. I'm sorry this is being aired publicly, but my goal is to help you all respond in a manner that is professional and responsive but does not add fuel to the fire or give Nicole the response she's gunning for.

Sadina

From: John Dossett [mailto:John_Dossett@NCAI.org]
Sent: Friday, August 31, 2018 10:52 AM
To: Montani, Sadina; Jacqueline Pata; Virginia Davis; Derrick Beetso
Subject: RE: CONFIDENTIAL: NCAI Employee Matter

Thank you Sadina. I am concerned because Nicole is presenting information about a confidential employee matter, but only the information that casts me in the worst possible light. Obviously her goal is to make Jackie look bad. I am collateral damage, but quite a lot of damage.

I have thought about responding in the following way. I asked Kevin about his timeframe and he says they will publish this afternoon or this evening.

Questions:

As senior counsel, what is your role at NCAI? Litigation. Tribal Supreme Court Project. Tax. Lands and Natural Resources. Criminal justice. Other matters as assigned. Is your salary changing? No. Will you be attending NCAI conferences and other events in Indian Country?

Yes.

Additionally, we will be reporting on the existence of documents that indicate complaints have been made against you. We will report that the complaints were in the nature of sexual harassment. Further, we will report that certain documents -- including one which describes in detail your alleged behaviors -- were provided to the outside counsel who conducted the investigation.

Questions:

What is your response to being accused of sexual harassment? I have never harassed anyone. Do you deny harassing a fellow employee? Yes. Have you ever contacted a fellow employee who has made a complaint involving you? Yes, to resolve the following misunderstanding. At the end of the 2016 Midyear in Spokane, a big group of staff went to dinner. One of my colleagues drank too much and passed out. Thinking I was a responsible friend, I suggested that we walk back to the hotel. There was a lot of traffic in the street, she was catatonic, so I held her arm as we walked. At the hotel lobby, she appeared more alert and went off to her room. We walked one block on a busy street in Spokane at about 8:30 pm, in front of the host hotel for an NCAI Midyear Meeting, from the restaurant and to the lobby of the hotel. This was an extremely public location. I thought that was all there was to it. But apparently she had a different perception, and reported to her supervisor that I made her feel uncomfortable. I never intended anything other than to make sure she got back to her room safely.

Allegations of workplace sexual harassment are very serious matters, and the Executive Director investigated it conscientiously and concluded that none had taken place. I hoped to reconcile with my colleague. She didn't pursue it further. We both thought the matter was put to rest. To repeat, both parties thought the matter was put to rest, as did the Executive Director.

However, Nicole Hallingstad learned of the report in her role as NCAI Director of Operations. She decided to share rumors that I had been accused of sexual harassment, and it was never investigated or resolved. That was false. Nicole stirred up hostile gossip and complaints, so an outside investigator was hired to review the situation again. The conclusion was the same, but there was damage done. The Executive Director decided to reallocate some workloads and job titles. I think I got hung out to dry a little by Nicole, but the timing was good. We have a great legal staff now. I have been General Counseling NCAI for 23 years. I am cool with letting somebody else review the contracts and do the day-to-day.

Nicole is wrongly disseminating confidential information and instigating a series of misleading employee complaints in an ongoing campaign to discredit Jacqueline Pata, the Executive Director of NCAI. Nicole appears to be engaged in some sort of grudge or power struggle with Jackie, and confidential information is being misused in a harmful way. The NCAI Employee Handbook states that: "The organization will conduct all investigations in a discreet manner. The organization recognizes that every investigation requires a determination based on all the facts in the matter. We also recognize the serious impact a false accusation can have." I have several concerns with Nicole's dissemination of information concerning confidential personnel matters. Employees are entitled to rely upon the process to provide resolution. Instead, Nicole has gone outside the process, re-opened closed matters, made one-sided accusations, and revealed confidential matters. Nicole's circumvention of the process also fails to recognize the serious impact a false accusation can have.

I can't tell you how painful it is to be accused of something like this. I work very hard to be an honorable person. I have been faithfully married for twenty-three years. I have been the General Counsel of the National Congress of American Indians for twenty-three years serving under female Executive Directors the entire time. I have been frequently educated and re-educated to be respectful to women. I have a public role in important institutions that strongly support women and are much larger than myself. A question about my integrity on a matter

such as this pains me in so many different ways.

Further, we are going to publish a statement from Nicole Hallingstad, a former high-level employee at NCAI, regarding her decision to go public with concerns about the way women have been treated at the organization.

Question:

As another high-level and long-serving employee at NCAI, what is your response to her statement, included below? As the letter makes clear, Nicole's goal is to undermine Jacqueline, the Executive Director. I am collateral damage to Nicole's campaign against Jackie.

We have had some staff turnover, but nothing too excessive. About 20% annually is average for a nonprofit <<https://nonprofitquarterly.org/2017/01/03/high-nonprofit-frontline-turnover-rates-require-focus-collective-chutzpah/>>. I am glad people like to hire NCAI staff. But check out the current staff. We are stronger now than we were a year ago. We have a strong crew I would stack up against anybody.

Working at NCAI is a lot of teamwork, and a lot of work. It is a high volume environment. We focus the attention on tribal leaders rather than staff, because this is a tribal leader organization. You have to have a commitment to work, and to let the spotlight be on the tribal leadership. Some people aren't a good fit for the environment. They resent the workload and want the spotlight for themselves..

As a final note, is this really a news story? "Disgruntled Employee Spreads False Rumors." Nicole recently resigned and I think that was a good move. NCAI was never a good fit for her. We want our full attention on protecting tribal sovereignty and treaty rights and advancing federal Indian policy. That is what NCAI is supposed to do.

"My internal letters to the executive director and Executive Committee of NCAI stand on their own. They are not a formal complaint, and this is not about a single departing employee. This is not about me, and this is not a singular personnel issue. To paint it as such is to deny the larger systemic problem at NCAI.

Events of the past year and rising social movements have shown how women who step forward to alert leadership of issues in the workplace are often portrayed. They are declared problem employees, and leadership will claim 'things have been handled.' My employee file will show I have a stellar personnel record that includes a recent pay raise. The usual protective playbook that NCAI follows will not hold up under scrutiny.

I was hired for my governance and operational expertise, to bring efficiency and accountability to NCAI. My role as Director of Operations required assessing the operations as they actually exist, and striving to create improvements. This is where tension occurred, and there was resistance from the top. Part of my duties dealt with human resources, but those responsibilities were stripped away when problems were raised that the NCAI executive director and Administrative Officers did not want to address.

I was simply doing my job in providing information to the entire Executive Committee that appears to have been shielded from them by the Administrative Officers. I stand behind the irrefutable data of employee turnover."

Thank you for your consideration.

Sincerely,

Kevin Abourezk

Indianz.com<<http://Indianz.com>>

From: Montani, Sadina [mailto:smontani@vedderprice.com]

Sent: Friday, August 31, 2018 4:18 AM
To: Jacqueline Pata; John Dossett; Virginia Davis; Derrick Beetso
Subject: RE: CONFIDENTIAL: NCAI Employee Matter

Hi, all.

I'm reviewing the questions and giving some further thought to whether John should respond at this point. Hold tight on reaching back out to Acee Agoyo, and I'll be in touch further this morning.

Sadina

From: Jacqueline Pata [mailto:jpata@ncai.org]
Sent: Friday, August 31, 2018 7:17 AM
To: John Dossett; Virginia Davis; Derrick Beetso; Montani, Sadina
Subject: CONFIDENTIAL: NCAI Employee Matter

John – Here is my response to the Acee when he requested a response which I shared with our NCAI Officers as you can see below. I will get back to you regarding your request but wanted you to see what we received yesterday. Jackie

All-
PLEASE DO NOT SHARE

Here is the response I got from the reporter regarding the story. I have discussed with the lawyer and we both agree that we don't need to say anything further at this time. We will wait to see what the final release says and determine if we need to take further action. I will send you the final story when it goes out. Thanks for your support - I really appreciate it. Jackie

Sent from my iPad

Begin forwarded message:

From: Acee Agoyo <agoyo@indianz.com<mailto:agoyo@indianz.com>>
Date: August 30, 2018 at 1:17:36 PM EDT
To: Jackie Pata <jpata@ncai.org<mailto:jpata@ncai.org>>
Subject: Re: hello!

Thanks for getting back! The entire statement you sent will be published in full.

Additionally, we are going to report on the existence of a review, conducted by outside counsel in DC, into employee complaints at NCAI. We are going to report that the review led to training sessions, both for NCAI staff and for the NCAI board.

Further, we are going to report that, following the conclusion of the review, John Dossett's title was changed from "general counsel" to "senior counsel." We will report that he remains employed at NCAI.

We are also going to publish a statement from Nicole Hallingstad regarding her decision to go public.

Here it is in full so you can see it before publication.

Do you wish to respond to her statement or on any matters we are reporting on?

“My internal letters to the executive director and Executive Committee of NCAI stand on their own. They are not a formal complaint, and this is not about a single departing employee. This is not about me, and this is not a singular personnel issue. To paint it as such is to deny the larger systemic problem at NCAI.

Events of the past year and rising social movements have shown how women who step forward to alert leadership of issues in the workplace are often portrayed. They are declared problem employees, and leadership will claim ‘things have been handled’. My employee file will show I have a stellar personnel record that includes a recent pay raise. The usual protective playbook that NCAI follows will not hold up under scrutiny.

I was hired for my governance and operational expertise, to bring efficiency and accountability to NCAI. My role as Director of Operations required assessing the operations as they actually exist, and striving to create improvements. This is where tension occurred, and there was resistance from the top. Part of my duties dealt with human resources, but those responsibilities were stripped away when problems were raised that the NCAI executive director and Administrative Officers did not want to address.

I was simply doing my job in providing information to the entire Executive Committee that appears to have been shielded from them by the Administrative Officers. I stand behind the irrefutable data of employee turnover.”

Thanks. Acee Agoyo 202 368 2970

Here was my response to his original request:

From: Jacqueline Pata <jpata@ncai.org<mailto:jpata@ncai.org>>

Date: August 30, 2018 at 12:50:56 PM EDT

To: Acee Agoyo <agoyo@indianz.com<mailto:agoyo@indianz.com>>

Subject: Re: hello!

Hi Acee -

While I try to be responsive to your requests, I understand that the article you are wishing to speak about concerns personnel matters and the links to letters being shared under indianz’s address, matters I can’t comment about, so here is NCAI’s statement:

NCAI takes very seriously its anti-harassment and anti-retaliation obligations and policies. It also takes seriously its commitment to its employees to protect their privacy when handling such sensitive matters. As such, NCAI does not comment publicly regarding allegations, investigations or related personnel matters.

Thanks Jackie

Sent from my iPad

On Aug 30, 2018, at 11:44 AM, Acee Agoyo

<agoyo@indianz.com<mailto:agoyo@indianz.com>> wrote:

Hi are you in town? Can I sit down with you to discuss recent staff changes? Or we can talk by phone if you are available. Thanks. Acee Agoyo 202 368 2970

From: John Dossett
Sent: Friday, August 31, 2018 4:54 AM
To: Jacqueline Pata <jpata@ncai.org<mailto:jpata@ncai.org>>; Virginia Davis <vdavis@NCAI.org<mailto:vdavis@NCAI.org>>; Derrick Beetso <dbeetso@NCAI.org<mailto:dbeetso@NCAI.org>>; Montani, Sadina <smontani@vedderprice.com<mailto:smontani@vedderprice.com>>
Subject: FW: Request for comment

I received the following request for comment from Indianz. Their questions relate to the investigation conducted by Sadina, so I am including Sadina here.

From: Kevin Abourezk [mailto:kevin_abourezk@yahoo.com]
Sent: Thursday, August 30, 2018 7:11 PM
To: John Dossett
Subject: Request for comment

Dear Mr. Dossett,

Indianz.Com<<http://Indianz.Com>> is publishing a story about recent staff changes at the National Congress of American Indians and would like your comments.

We will be reporting on an investigation, conducted by outside counsel, into employee complaints at NCAI. Following the conclusion of the investigation, we will report that your title was changed from "general counsel" to "senior counsel."

Questions:

As senior counsel, what is your role at NCAI? Is your salary changing? Will you be attending NCAI conferences and other events in Indian Country?

Additionally, we will be reporting on the existence of documents that indicate complaints have been made against you. We will report that the complaints were in the nature of sexual harassment. Further, we will report that certain documents -- including one which describes in detail your alleged behaviors -- were provided to the outside counsel who conducted the investigation.

Questions:

What is your response to being accused of sexual harassment? Do you deny harassing a fellow employee? Have you ever contacted a fellow employee who has made a complaint involving you?

Further, we are going to publish a statement from Nicole Hallingstad, a former high-level employee at NCAI, regarding her decision to go public with concerns about the way women have been treated at the organization.

Question:

As another high-level and long-serving employee at NCAI, what is your response to her statement, included below?

“My internal letters to the executive director and Executive Committee of NCAI stand on their own. They are not a formal complaint, and this is not about a single departing employee. This is not about me, and this is not a singular personnel issue. To paint it as such is to deny the larger systemic problem at NCAI.

Events of the past year and rising social movements have shown how women who step forward to alert leadership of issues in the workplace are often portrayed. They are declared problem employees, and leadership will claim ‘things have been handled.’ My employee file will show I have a stellar personnel record that includes a recent pay raise. The usual protective playbook that NCAI follows will not hold up under scrutiny.

I was hired for my governance and operational expertise, to bring efficiency and accountability to NCAI. My role as Director of Operations required assessing the operations as they actually exist, and striving to create improvements. This is where tension occurred, and there was resistance from the top. Part of my duties dealt with human resources, but those responsibilities were stripped away when problems were raised that the NCAI executive director and Administrative Officers did not want to address.

I was simply doing my job in providing information to the entire Executive Committee that appears to have been shielded from them by the Administrative Officers. I stand behind the irrefutable data of employee turnover.”

Thank you for your consideration.

Sincerely,

Kevin Abourezk

Indianz.com<<http://Indianz.com>>

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EXHIBIT EE

From: [John Dossett](#)
To: [Natasha Anderson](#)
Cc: [Virginia Davis](#)
Subject: RE: ITWG list
Date: Thursday, September 4, 2014 1:47:00 PM

Thanks. You have made your intentions clear.

From: Natasha Anderson
Sent: Thursday, September 04, 2014 10:13 AM
To: John Dossett
Cc: Virginia Davis
Subject: RE: ITWG list

As I stated, you have access to the Dropbox folder.

From: John Dossett
Sent: Thursday, September 04, 2014 1:12 PM
To: Natasha Anderson
Cc: Virginia Davis
Subject: RE: ITWG list

Thanks Natasha. Could you share the Dropbox folder with Mark Carter?

From: Natasha Anderson
Sent: Thursday, September 04, 2014 10:07 AM
To: John Dossett
Cc: Virginia Davis
Subject: RE: ITWG list

It is a shared Dropbox folder, John, which you have access to.

From: John Dossett
Sent: Thursday, September 04, 2014 12:38 PM
To: Natasha Anderson; Mark Carter
Cc: Virginia Davis
Subject: RE: ITWG list

Natasha, it seems like you have decided to stop working. You are still getting paid and you still have to work.

I just started reviewing the Colorado Rules of Professional Conduct for Attorneys. Do you want me to continue down that path?

A lawyer shall act with reasonable diligence and promptness in representing a client.

Source: Entire Appendix repealed and readopted April 12, 2007, effective January 1, 2008.

COMMENT

[1] A lawyer should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience to the lawyer, and take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor. A lawyer must also act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf. A lawyer is not bound, however, to press for every advantage that might be realized for a client. For example, a lawyer may have authority to exercise professional discretion in determining the means by which a matter should be pursued. See Rule 1.2. The lawyer's duty to act with reasonable diligence does not require the use of offensive tactics or preclude the treating of all persons involved in the legal process with courtesy and respect.

From: Natasha Anderson
Sent: Thursday, September 04, 2014 9:30 AM
To: John Dossett; Mark Carter
Cc: Virginia Davis
Subject: RE: ITWG list

You have access to the Dropbox, and can easily share it with Mark.

From: John Dossett
Sent: Thursday, September 04, 2014 11:57 AM
To: Natasha Anderson; Mark Carter
Cc: Virginia Davis
Subject: RE: ITWG list

Could you please share it with Mark? Thank you.

From: Natasha Anderson
Sent: Thursday, September 04, 2014 8:52 AM
To: John Dossett; Mark Carter
Cc: Virginia Davis
Subject: RE: ITWG list

It is in the folder labeled 'TA and ITWG Contact Information.'

From: John Dossett
Sent: Thursday, September 04, 2014 11:49 AM
To: Natasha Anderson; Mark Carter
Cc: Virginia Davis
Subject: ITWG list

Hi Natasha – could you please send a copy of the ITWG list to Mark? I get kind of lost in the Dropbox folders. I wouldn't be able to distinguish the most recent version without a lot of work.

Thanks very much, John D.

EXHIBIT FF

From: [John Dossett](#)
To: [Sanat Pattanaik](#)
Cc: [John Dossett \(John_Dossett@NCAI.org\)](#)
Subject: RE: Updated Budget Vs. Actuals
Date: Thursday, June 22, 2017 4:15:00 PM
Attachments: [Pew Report for NCAI NARF.docx](#)

Hi Jackie and Sanat – this is a response on the Wild Salmon Center contract.

I think this goes to a point that was made on the call. At the beginning of a new grant, we need to sort out (1) deliverables, (2) agree on who is doing which work, (3) communicate with those people who are supposed to do the work, (4) target how many hours to bill each week over a period of time (5) get the grant on our Paychex timesheets.

Whenever we don't do that at the beginning, we always wind up in a bind. It is easy to sort out when the grant is entirely within one department, but we struggle when the grants run across the various departments of NCAI. The Wild Salmon contract is an example.

We received the Wild Salmon Center contract by surprise, and it deals with cultural resources. It didn't go to me. It wound up on Jackie's desk and she signed it, I think assuming that there was a plan for the deliverables. About a year and a half ago I started to ask Jackie and Denise and Brian and Colby if we could have a meeting to figure out how to deliver on the issues, dealing with cultural resources, which are under Denise's supervision.

I don't think Denise and Brian wanted to, so we never had the meeting. I have been reluctant to step into Denise's lane on cultural issues. That always goes badly.

Denise really does not like grant and contract work. She isn't hiding that. She will tell anyone who wants to listen that she doesn't like working on grants. So it is really hard to get that initial agreement on who is doing what. But I am reluctant to step into her issues if she isn't in agreement. Denise will take offense at that, and then look for ways to undermine any efforts, so it winds up being unproductive use of time.

But, I thought this was a good opportunity for NCAI. The money comes from the Pew Foundation and we have friends over there and they like our work. I thought it could have been the beginning of a relationship on cultural resources issues.

So, we did all the work, and we drafted a report about the work we did. A copy is attached. Maybe all we need to do is turn in the report and collect the funding. But I have been reluctant to move forward without agreement and communication with Denise, because she is in charge of cultural resources.

Thanks, John D.

From: Sanat Pattanaik
Sent: Wednesday, June 21, 2017 2:48 PM
To: Amber Ebarb; Deana Around Him; Denise Desiderio; Ian Record; Natasha Anderson; Robert Holden;

Sarah Pytalski; Virginia Davis; Yvette Roubideaux; John Dossett; Gwen Salt
Cc: Jacqueline Pata; Sam Owl; Daniel Longwing; Holly Naylor; Nicole Hallingstad
Subject: Updated Budget Vs. Actuals

Dear All,

Please see the updated budget vs. actuals statement attached for your perusals. This statement updates the follow up plan suggested for PRC units by Yvette to achieve project targets.

We had a detailed Grants review meeting today with PRC Director Yvette, Sam and myself. Meetings with other Unit Directors or Programs heads have not taken place as yet.

Thank you,

Sanat

From: Sanat Pattanaik
Sent: Wednesday, June 21, 2017 12:25 PM
To: Amber Ebarb; Deana Around Him; Denise Desiderio; Ian Record; Nicole Hallingstad; Natasha Anderson; Robert Holden; Sarah Pytalski; Virginia Davis; Yvette Roubideaux; John Dossett; Gwen Salt
Cc: Jacqueline Pata; Sam Owl; Daniel Longwing; Holly Naylor
Subject: DIAL/ VIDEO IN instructions: Grant Management Meeting (Thursday, 6/22/2017 2.00 pm to 3.00 pm: Main Conference room)

Hi All,

Please make sure to attend tomorrow's Grants review meeting, we have completed first half of the current FY 2017, but still a lot needed to accomplish budget targets. If you cannot attend tomorrow's meeting physically, please dial in or also even video in as per following instructions. Your views and suggestions are important.

Thanks for your cooperation.

Sanat

DIAL IN:

Dial in: 888.244.8150
Passcode: 1477767
Leader Pin: 8811

VIDEO CONFERENCING:

Meeting Title: Grants Management Meeting

Meeting Time: Wednesday June 21, 2017 • 2 p.m. EDT / 1 hr

Join Meeting

(Join from computer or phone)

Connecting directly from a room system?

- 1) Dial: 199.48.152.152 or bjn.vc
- 2) Enter Meeting ID: 984312165

Just want to dial in on your phone?

- 1) Direct-dial with my iPhone or
+1.408.740.7256 (United States)
+1.888.240.2560 (US Toll Free)
+1.408.317.9253 (Alternate number)
(all numbers)
 - 2) Enter Meeting ID: 984312165
 - 3) Press #
-

From: Sanat Pattanaik

Sent: Tuesday, June 20, 2017 5:07 PM

To: Amber Ebarb; Deana Around Him; Denise Desiderio; Ian Record; Nicole Hallingstad; Natasha Anderson; Robert Holden; Sarah Pytalski; Virginia Davis; Yvette Roubideaux; John Dossett; Gwen Salt

Cc: Jacqueline Pata; Sam Owl

Subject: Grant Management Meeting : Thursday, 6/22/2017 2.00 pm to 3.00 pm: Location: Main Conference room

Dear friends,

Jackie has asked for a meeting on grants management review and strategy on Thursday, 6/22/2017 from 2.00 pm to 3.00 pm. The following agenda items are to be discussed in the meeting:-

1. Sharing updated salary allocation charts
2. Sharing info on new and prospective grants
3. Review timelines and compliance of existing grants
4. Discuss elements for future grant tools
5. Grant training

For discussion and reference in the meeting, please find attached the (i) latest budget vs. actual variance analysis for all grants updated up to 5/31/2017 and (ii) minutes of the grants management meeting last held on 4/13/2017. Your special attention is invited to the Open Items/ Issues listed out under each grant line item. I have also provided you copies of the budget vs. actual statement of activities for each of the grants under your portfolio on 6/13/2017 for detailed review purposes.

Please make it convenient to attend. Those working off site, can call in as per following details:-

Dial in: 888.244.8150
Passcode: 1477767
Leader Pin: 8811

Let me know if you have any question,.

Thank you,

Sanat

Sanat Pattanaik
Associate Director Grants & Accounting

National Congress of American Indians
Embassy of Tribal Nations
1516 P St. NW
Washington DC 20005-1910
Phone: 202-466-7767 Extn. 247
Fax: 202-466-7797
www.ncai.org

From: Sanat Pattanaik
Sent: Friday, June 02, 2017 6:27 PM
To: Amber Ebarb; Deana Around Him; Denise Desiderio; Ian Record; Nicole Hallingstad; Robert Holden; Sarah Pytalski; Virginia Davis; Yvette Roubideaux
Cc: Jacqueline Pata; Sam Owl
Subject: RE: Grant Management Review: Budget Vs. Actuals (04/30/2017)

Dear Denise, Amber, Ian, Robert, Sarah and Virginia,

I need some time with you to go over the budget utilization status and grants related matters for the following grants:-

- 240,268, 286,294,297,298 - Sarah and Yvette
- 269,271,283, 300- Denise
- 296,400 - Virginia
- 214 - Amber,
- 450-Ian
- 288-Roberts

Please share a copy each of your latest approved budget for the above projects to set up in our financial system for budget vs. actual variance analysis. Our grants review meeting will have

following agenda:-

- i- Budget vs. Actual expense analysis
- ii- Identify unallowable expense charged to the grant, if any
- iii- Realignment of expenses as per approved budget line items, if any
- iv- Strategy to complete the project on time with 100% utilization (no more-no less!)
- v- Any other areas of support from finance

I know you all are busy for the high-priority Mid-Year event, but we also need to complete all projects grant review and be ready with overall strategy before meeting Jackie on 6/22/2017.

Please let me know.

Thank you,

Sanat

From: Sanat Pattanaik
Sent: Wednesday, May 31, 2017 5:11 PM
To: Amber Ebarb; Deana Around Him; Denise Desiderio; Ian Record; Natasha Anderson; Nicole Hallingstad; Robert Holden; Sarah Pytalski; Virginia Davis; Yvette Roubideaux
Cc: Jacqueline Pata; Sam Owl; Whitney Sawney
Subject: RE: Grant Management Review: Budget Vs. Actuals (04/30/2017)

Hi All,

Please find attached the budget vs. actuals analysis as up to 4.30.2017 for your reference. Also, I am attaching the draft minutes of our last grants review meeting held on 4.13.17 covering period up to 2.28.2017 for your review.

I have already fixed up few review meetings for some grants and need to know your convenience to discuss your projects portfolio. Also, please indicate if you need any additional information / details form finance for the meeting. I need to capture the gist of our discussions and strategy for Jackie.

Thank you,

Sanat

From: Sanat Pattanaik
Sent: Tuesday, May 30, 2017 5:39 PM
To: Amber Ebarb; Deana Around Him; Denise Desiderio; Ian Record; Natasha Anderson; Nicole Hallingstad; Robert Holden; Sarah Pytalski; Virginia Davis; Yvette Roubideaux
Cc: Jacqueline Pata; Sam Owl; Whitney Sawney
Subject: Grant Management Review: Budget Vs. Actuals (04/30/2017)

Hi All,

Please find attached the Grants Tracking Log, updated up to April, 30, 2017. Highlights of the overall budget vs. actual status are as follows:-

- i- significant underspending in majority grants
- ii- no cost extension or carry over request to be submitted for expired grants having unutilized grant fund balances – they are over due
- iii- need to follow up with BIA and submission of proposal for reimbursement of event expenses incurred on their behalf.

In order to address the above issues and the grant underspending trend aggressively, it is proposed to have detailed grant wise meeting with each program manager/ director separately. In this meeting the discussion will revolve around the following;

- a- identify expense item(s) which have been inappropriately been charged to your project/ grant and shift those out. For your analysis, we will be providing you copies GL transaction listing before the grant specific meeting
- b- strategy to expedite fund utilization process,
- c- submission of overdue final progress reports/ carry over/ no cost extension request ASAP
- d- identify issues which require attention and/or intervention of senior management
- e- outcome of above individual meetings and other issues to be reviewed with Jackie in the Grants Management Meeting scheduled for Thursday, Jun 22, 2017 between 2.00 pm – 3.00 pm.

We would like to complete grant/ project wise review meetings with program managers/ directors before the end of next week. So, please let us know of your convenience ASAP. We will schedule your project meeting immediately on hearing from you.

We look forward to your immediate response. Please let us know if you have any question.

Thank you,

Sanat

Sanat Pattanaik
Associate Director Grants & Accounting

National Congress of American Indians
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EXHIBIT GG

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Charese Rohny

Licensed in Oregon and California
charese@rohnylaw.com
Direct: 503.449.2291

October 19, 2018

SENT VIA EMAIL AND U.S. MAIL

NCAI President Jefferson Keel
Chickasaw Nation
P.O. Box 1548
Ada, Oklahoma, 74821
lt.gov@chickasaw.net

NCAI General Counsel Derrick Beetso
National Congress of American Indians
1516 P Street, NW
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dbeetso@ncai.org

NCAI First Vice President Aaron Payment
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523 Ashmun St.
Sault Ste. Marie, MI 49783
aaronpayment@saulttribe.net

NCAI Treasurer Ron Allen
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1033 Old Blyn Hwy
Sequim, WA 98382
RALLEN@jamestowntribe.org

NCAI Recording Secretary Juana Majel-Dixon
Pauma Band of Mission Indians
1010 Reservation Road
P.O. Box 369
Pauma Valley, CA 92061
jmajel@aol.com

***Re: Notice of Representation, Records Demand, & Spoliation of Evidence Notice
Matter involving John Dossett/National Congress of American Indians***

Dear Sir/Madam:

We are writing to inform you that we have been retained by John Dossett in connection with slanderous accusations made against him during his employment, and in connection with his devastating, career-ending termination, resulting in media and loss of reputation. We will further be investigating potential common law and statutory claims committed by National Congress of American Indians ("Company"). If the Company has outside legal representation, we ask that you forward this letter to counsel. Please do not contact Mr. Dossett directly for any reason; all correspondence should be directed to this firm.

*Letter to NCAI
Re: John Dossett
Page 2*

INVESTIGATION OF POTENTIAL CLAIMS

In the upcoming weeks, we will be conducting our due diligence to investigate Mr. Dossett's potential claims against NCAI.

Mr. Dossett was wrongfully accused of sexual harassment and subjected to a biased and deeply flawed investigation conducted by Sadina Montani as directed by Jaqueline Pata, the results of which were unlawfully made public, without any opportunity to clear his name or respond. Mr. Dossett was subsequently fired after raising issues of ethical compliance and opposing the false and baseless accusations lodged against him. To date, Mr. Dossett has not been given a public apology or an opportunity to publicly rebut the allegations against him. The impact on his reputation and livelihood has already been severe and is likely to worsen over time. We are prepared to seek all remedies possible for NCAI's significant damage to Mr. Dossett.

As a preliminary matter, we have identified potential claims of whistleblower retaliation, negligent disclosure, defamation, false light, public disclosure of private facts, intentional infliction of emotional distress, intentional interference with economic relations, and wrongful termination. Mr. Dossett may also have claims of breach of contract, breach of the covenant of good faith and fair dealing, and violation of due process.

We will continue to explore possible claims as we conduct our research.

RECORDS DEMAND

Our investigation is ongoing, but in the interim, this letter constitutes a demand, pursuant to ORS 652.750, that you supply our firm with a certified copy of Mr. Dossett's personnel records, as described below. The records included in your response to this demand should encompass all records and/or documents relating to my client, as follows:

1. All performance evaluations, including records of all oral evaluations and all records of any perceived inadequacy in my client's job performance and/or lack of compliance with any other job requirement.
2. All contracts of employment, including amendments, supplemental agreements, memoranda of understanding and the like, and all other documents, memoranda, e-mails and other correspondence, reports, notes or any document created and stored electronically, that relate to any contract of employment between my client and the Company.
3. Documents reflecting duties performed, including but not limited to job descriptions and memoranda of duties relating to Mr. Dossett's positions from his date of hire to separation.

*Letter to NCAI
Re: John Dossett
Page 3*

4. Complete payroll file, including without limitation all documents relating in any way to the hours worked; all compensation paid; the dates on which each payment of compensation was made during all calendar years, any part of which Mr. Dossett was employed; all records of vacation and/or medical leave accrued, used and paid; all documents relating to the payment of compensation and to changes in such payment; and all documents relating to the payment of final wages and compensation upon separation, including the date of payment and the calculation of final wages.
5. All other records which may have been used to determine Mr. Dossett's qualifications for employment, promotion, additional compensation, employment termination, disciplinary action, or other action, including any notes, recordings, or memoranda produced in connection with any interview process, whether upon Mr. Dossett's initial hiring or in connection with any internal transfer.
6. Documents, including voice-mail and those documents created and stored electronically, concerning information received from any source or person relating to our client's employment, compensation, employment status, duties, invocation of company policies, on whatever subject, and contract non-renewal.
7. Specifically, on September 3, 2018, Mr. Dossett requested the investigation report prepared by Sadina Montani and any other documents used to take disciplinary action against him. It is our understanding that the Montani report was transmitted to the Executive Director and the four members of the Administrative Board of the Executive Committee.

Please be aware that we will rely upon the documents you produce in response to this request as a representation that a full and complete disclosure pursuant to Oregon law has been made and evaluate the issues involving Mr. Dossett accordingly. If you have additional information and/or evidence relating to my client's employment, I would be pleased to review it in connection with our investigation of this matter. A release signed by Mr. Dossett is enclosed.

NOTICE REGARDING SPOILIATION OF EVIDENCE

Please consider this letter to constitute further notice that information in your possession or control, including information contained on the Company's computer systems may be relevant to this matter. Staff at the Company should take immediate steps to preserve documents related in any way to Mr. Dossett's employment and those documents including but not limited to:

1. Documents, including hard copies and electronic emails and voice-mails, handwritten notes and minutes, and related documents created and stored electronically, concerning Mr. Dossett's employment or performance by any staff or management regarding Mr. Dossett at any time from his date of hire through the present. All hard copy and electronic data relating to these matters should be preserved.

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2. Documents, including hard copies and electronic emails and voice-mails, handwritten notes and minutes, and related documents created and stored electronically, concerning communication by any staff or management regarding Mr. Dossett at any time from his date of hire through the present. All hard copy and electronic data relating to these matters should be preserved.
3. Paper and electronic calendar and handheld personal organizer entries relating in any way to Mr. Dossett and/or any reference to his employment status, compensation, duties and performance.
4. Documents, including hard copies and electronic emails and voice-mails, handwritten notes and minutes, and related documents created and stored electronically, concerning information received from any source or person relating to my client's employment, compensation, benefits, payroll, vacation time, personal time, sick time, employment status and duties, or changes in duties.
5. Documents, including hard copies and electronic emails and voice-mails, handwritten notes and minutes, and related documents created and stored electronically, concerning information relating to Mr. Dossett's discussions with his management, or any other employee of the Company, related to his concerns of potential violations of internal Company policies, violations of state or federal regulations germane to his job duties, or pertaining to any other matter about which Mr. Dossett made good-faith reports or disclosures.
6. Documents, including hard copies and electronic emails and voice-mails, handwritten notes and minutes, and related documents created and stored electronically, concerning reports of legal ethics violations made by Mr. Dossett, as well as all such records related to invocation of company policies concerning such reports by Mr. Dossett or any other employee.
7. Documents, including hard copies and electronic emails and voice-mails, handwritten notes and minutes, and related documents created and stored electronically, related in any way to the investigation of Mr. Dossett and any actions taken pursuant to or following the investigation.
8. Documents, including hard copies and electronic emails and voice-mails, handwritten notes and minutes, and related documents created and stored electronically, concerning the relationship between Jaqueline Pata and Nicole Hallingstad.

Steps should be taken to preserve all of the above and any other related electronic or hard copy documents related in any way to Mr. Dossett's employment or communication about his employment. If the Company has archived any of the electronic information as described above on back-up tapes and it is its custom to rotate back-up tapes, then the relevant back-up tapes should be removed from rotation and preserved. Similarly, if back-ups are made to hard drives, steps should be taken to preserve the hard drives as well. Any document retention policy calling

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for the destruction of documents, whether hard-copy or electronic, should be suspended insofar as such policy might relate to any document relevant to Mr. Dossett's employment or instances of and reports concerning ethical compliance.

We will send further correspondence in the coming weeks. Thank you for your attention and cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Charese Rohny", written in a cursive style.

Charese Rohny

CR:MW
cc: client
Enclosure

EXHIBIT HH

August 13, 2018

National Congress of American Indians
1516 P Street NW
Washington, D.C. 20005

RE: NCAI DIRECTOR OF OPERATIONS RESIGNATION

Dear NCAI Executive Committee Member:

Today I have submitted my resignation to NCAI, effective August 24, 2018.

This letter is inspired by the courage exhibited by so many thousands of others this past year, including past NCAI employees, to speak up and come forward about wrongdoing they observe or experience in the workplace. I would be negligent in my duties as your Director of Operations, and to my own principles, if I could not summon the same bravery.

This letter is being sent to you as one of my last acts as a member of the senior management team, out of concern for the health and reputation of NCAI. I write to you to make it clear that I'm not being "drawn away" by a new opportunity. I searched out my next opportunity. Like so many other employees, I have chosen to leave a dysfunctional workplace created by an executive director with very poor human resource management skills.

The usual reasons for leaving a company - arising opportunities, openings with tribes back home, going back to school, or choosing another employer, for example - *always* exist. They become much more attractive when the organization being left is led by an autocratic executive who offers little consistency, equity, safety, or accountability when dealing with staff. When staff is told in an all-employee meeting by the executive director that "Loyalty to NCAI means loyalty to ME", it shows an alarming inability by that executive to place service to mission above self, or even to disconnect NCAI from her own interests.

The staggering rate that skilled professionals are leaving NCAI tells a stark story - of an unhealthy culture and failure to support, and thus retain, talent. Committed staff does not lightly leave an organization they love and a mission they are passionate about fulfilling. But when they see colleagues marginalized, disciplined, punished, and even terminated for trying to address issues of poor management - or bad actors not held to account for disrespectful behavior - and the oppressive culture of silence and lack of authentic process means they cannot speak with their voices, then they will speak with their feet.

In the past three years, 33 full time regular employees have left NCAI. This does *not* include the Fellows who come and go on an annual basis. NCAI has an average staff count (including the Fellows) of about 33-38 people, depending on current openings. Just since January of this year, 11 employees have left. Again, there are many reasons people depart. But the usual reasons cannot explain away the roughly 80% turnover I've observed in the past three years, regardless of what you are being told in meetings.

The average cost to replace an employee is 20-40% of their salary. With an NCAI payroll of approximately \$3.5 million, the impact to NCAI of such high churn is significant and lasting. As Executive Committee members, you are the governing body of final accountability with the ultimate duty of care to NCAI. You would be right to be concerned about the sustainability of the organization.

I raised issues of harassment and poor executive judgment in the workplace through the NCAI process that is outlined by policy, all the way to the prior President of NCAI, starting in April 2017. In these 16 months, there was no resolution to my written statements. The failure of the Administrative Board (the four officers of the Executive Committee) to follow a procedure that closes the loop with the originating employee is discouraging and disheartening. My documentation should be on file with the past Administrative Board if you wish to review those statements.

NCAI's outstanding work in promoting social, economic and cultural equality for tribal nations and their peoples is just one of the many things that attracted me to NCAI in the first place. The important work being done here makes me truly proud to call myself an alumna of this organization. The overwhelming majority of NCAI employees have been warriors for Indian Country, impassioned and committed to being of service to NCAI's members.

NCAI is marking its 75th anniversary this year. For decades, dedicated and talented staff have carried out the work that has been directed by NCAI's membership and given strategic focus by its Executive Committee. Even the executive director serves these higher authorities. In this year of reflection and celebration, please take a hard look at the direction NCAI is headed and consider if it is still on course with its mission, core objectives, financial sustainability, and company culture.

Indian Country deserves a national advocacy organization that offers deep expertise from longstanding support staff who build lasting relationships with tribes, partners, policymakers, and stakeholders. An organization that authentically values and develops its people will be able to foster and retain this kind of seasoned, talented team with wide networks and institutional history. The opposite is happening. Frankly speaking, I've never worked any place where the employees have been trying so hard to gain the attention of its governing body.

While my final two weeks of work for NCAI will end on August 24, I am available to you now and into the future if I can be of any assistance with any of the issues raised in this letter. My personal contact information is below.

Your leadership of NCAI is deeply appreciated. Good governance and due diligence can be a challenging road, but they are absolutely essential for any organization that strives to achieve true excellence.

Gunalchéesh for your time. Thank you for the privilege of working together with you.

Respectfully yours,



Nicole Hallingstad
nhallingstad@gmail.com
907-209-1089

Encl: Nicole Hallingstad Resignation Letter

EXHIBIT II

From: [Kevin Abourezk](#)
To: [John Dossett](#)
Subject: Re: Request for comment
Date: Friday, August 31, 2018 9:49:23 AM

Thank you for the prompt response John.

We plan to publish the story either this afternoon or this evening.

Kevin

Sent from my iPhone

On Aug 31, 2018, at 3:12 AM, John Dossett <John_Dossett@NCAI.org> wrote:

Thanks for sharing Kevin. I am quite surprised by this.

What is your time frame?

From: Kevin Abourezk [mailto:kevin_abourezk@yahoo.com]
Sent: Thursday, August 30, 2018 7:11 PM
To: John Dossett
Subject: Request for comment

Dear Mr. Dossett,

[Indianz.Com](#) is publishing a story about recent staff changes at the National Congress of American Indians and would like your comments.

We will be reporting on an investigation, conducted by outside counsel, into employee complaints at NCAI. Following the conclusion of the investigation, we will report that your title was changed from "general counsel" to "senior counsel."

Questions:

As senior counsel, what is your role at NCAI? Is your salary changing? Will you be attending NCAI conferences and other events in Indian Country?

Additionally, we will be reporting on the existence of documents that indicate complaints have been made against you. We will report that the complaints were in the nature of sexual harassment. Further, we will report that certain documents -- including one which describes in detail your alleged behaviors -- were provided to the outside counsel who conducted the investigation.

Questions:

What is your response to being accused of sexual harassment? Do you deny harassing a fellow employee? Have you ever contacted a fellow employee who has made a complaint involving you?

Further, we are going to publish a statement from Nicole Hallingstad, a former high-level employee at NCAI, regarding her decision to go public with concerns about the way women have been treated at the organization.

Question:

As another high-level and long-serving employee at NCAI, what is your response to her statement, included below?

“My internal letters to the executive director and Executive Committee of NCAI stand on their own. They are not a formal complaint, and this is not about a single departing employee. This is not about me, and this is not a singular personnel issue. To paint it as such is to deny the larger systemic problem at NCAI.

Events of the past year and rising social movements have shown how women who step forward to alert leadership of issues in the workplace are often portrayed. They are declared problem employees, and leadership will claim ‘things have been handled.’ My employee file will show I have a stellar personnel record that includes a recent pay raise. The usual protective playbook that NCAI follows will not hold up under scrutiny.

I was hired for my governance and operational expertise, to bring efficiency and accountability to NCAI. My role as Director of Operations required assessing the operations as they actually exist, and striving to create improvements. This is where tension occurred, and there was resistance from the top. Part of my duties dealt with human resources, but those responsibilities were stripped away when problems were raised that the NCAI executive director and Administrative Officers did not want to address.

I was simply doing my job in providing information to the entire Executive Committee that appears to have been shielded from them by the Administrative Officers. I stand behind the irrefutable data of employee turnover.”

Thank you for your consideration.

Sincerely,
Kevin Abourezk
Indianz.com

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EXHIBIT JJ

May 23, 2014

To: Jacqueline Johnson Pata, Executive Director
 Robert Holden, Deputy Director
 Jamie Gomez, Director of External Affairs
 David Mullon, Chief Counsel

From: Melinda Warner, Senior Communications Director

Re: Urgent Staffing Need

The office needs an individual with whom staff can discuss sensitive situations. NCAI staff have no one to turn to for basic conflict resolution or to report harassment. A staff member who manages all human resource issues could be responsible for conflict resolution, harassment issues, onboarding new staff, putting existing staff on probation, serve as a witness to firings or disciplinary measures, and the myriad other staffing issues faced by this and other organizations.

To illustrate my point, I am sharing a few personal moments when having an HR representative would have been helpful. The following all happened to me while employed here and I did not feel as though I had a clear person to speak with for advice on resolution, to make an official complaint, or simply to trust that my experience would not be shared with other staff. Jamie Gomez has been given full details of these events.

- At an event, I was chatting with Board Member "A" when Board Member "B" walked over. "A" introduced me as the new Communications Director and I handed "B" my business card. He looked it over and asked, "What tribe are you?" Board Member "A" answered loudly, "Another non-Native working at NCAI!" Board Member "B" then dropped my card on the ground and walked away.
- During the fall, Board Member "C" began aggressively asking me to go drinking with him after NCAI events in DC via text messages and calls that occasionally came after 10pm. He was rebuffed each time but each time he was in DC the requests came again. One Friday evening he texted and asked if he could call me later in the evening to talk about a new idea. He called much later that evening, I did not answer, and he texted that he was hoping to take me for a drink when he was next in town.
 - This series of events was reported to Chief Counsel as Board Member "C" was about to return to DC and I was concerned at the increasing insistence of his messages to me. The texts and calls have since stopped.
- A coworker with whom I developed a casual friendship walked into my office and said "You're hot. You're a babe." He then sat in a chair in front of my door and told me how he would like to do me a favor and help to get me, what he saw as, a better job. One or two days later he came in and said he smelled me when I walked in the door - that as a hunter, he is attuned to the smells around him. During my last week, he walked into my office, shut the door, hugged me tightly, kissed my cheek, and tried to kiss me on the mouth.
 - Note: This is a coworker whom I had hugged lightly before. There are other male coworkers who have hugged me as well. This last incident was very different than the others.

Let me be clear: As I did with the Board Member "C" situation, if I ever felt as though I could not handle something I would have reported it.

However, it is not the responsibility of the Chief Counsel to handle these issues. Likewise, none of the individuals to whom it might make sense to bring complaints, questions, or the like is the appropriate staff member either. There are several reasons they are not a solution - just one being that staff have serious conflicts with some of these individuals.

Hiring someone to deal with only these issues will not only help other staff feel as though they have an avenue of recourse when faced with challenges but will also reduce the amount of HR work being done by existing staff who have many other responsibilities.

EXHIBIT KK

From: John Dossett
To: [REDACTED]
Subject: Spokane in June of 2016
Date: Tuesday, February 20, 2018 10:38:00 PM

Dear [REDACTED]—

First, I owe you an apology. I will get into that in a moment but I definitely owe you an apology.

Second, I want to assure you that I have never harassed you, or come on to you, or had any bad intentions. I can see how you perceived events differently that night in Spokane. I am writing so that you know that nothing bad happened, that I had only good intentions, and that it is my great desire for you to understand that. So here it is.

After the conclusion of the Spokane Midyear, a bunch of us went out to a restaurant called The Onion, a couple of blocks from the hotel where we were all staying. You and I were both there with about ten other NCAI staffers and their friends. We had dinner and some beers, nothing over the top, all was well. After it broke up, Brian Howard and Colby wanted another round because it was Brian's last NCAI conference as a staffer. We stopped at a bar next door, about six of us. You immediately fell asleep at the table, not just a little asleep, zonked asleep. Brian was making fun of you, and I didn't like that because you were my old friend and I didn't think it was fair. I was really tired too, it was the end of a big meeting. I roused you a bit and suggested that we walk back to the hotel. You were basically sleep-walking, eyes closed. There was a lot of traffic in the street, so I held your hand as we walked two blocks back to the hotel.

Just as we were arriving at the entrance to the Davenport, you sort of woke up a little bit. I asked for your room number so I could make sure you got to your room. You shook your head, no, no, no. Eyes closed, chin on your chest. I was like, come on [REDACTED], what's your room number? You mumbled no, no, no, eyes still closed. And then you startled and jumped straight toward the street. I held onto your arm, because there was lots of traffic in the street. I totally restrained you by the arm, this is true, and we walked into the hotel. In the lobby, we ran into Erik Stegman and his mom. Erik and I started talking and you appeared to be more awake and took off towards the elevators.

I thought that was all there was to it. You were really tired, maybe too many beers, I am not one to judge. I didn't give it a second thought.

About a month later Jackie calls me up out of the blue and told me that you had a different perception; that I may have been coming on to you and intended to take advantage in your intoxicated state. I want to assure you that I had no such intention and it never crossed my mind. I only wanted to see you safely back to the hotel and not embarrassed in the eyes of our colleagues.

But in hindsight, I can see how you may have perceived something different. I get it. You fell asleep at the bar, and then woke up on a street at night and were startled to find some man holding your hand and asking for your room number. I should have been more sensitive to that. You weren't speaking clearly, and I didn't realize you were alarmed. For that I am deeply sorry. But I never intended anything other than to make sure you got back to the hotel safely.

The other apology I owe you is that I didn't address this sooner. I live in Oregon so we don't see each other very often. I kept thinking we would find a moment to talk somewhere along the line. We have been friends and colleagues for years. I didn't think I should just send you an e-mail, that we could find some way of communicating about it. But, it feels like you have been studiously avoiding me, so I felt that I had to reach out.

In addition to my apology, I would like to share my feelings on this. I can't tell you how painful it was to be accused of something like this. I work very hard to be an honorable person. I have been

faithfully married to my spouse, Stephanie Parent, for twenty-three years. Stephanie is a special person, and my life partner, and I would never disrespect my marriage to her. I am the father of two daughters. Raising two young women has made me particularly sensitive to the importance being respectful towards women, and I have deep family obligations to do so. My older daughter is attending West Point Military Academy, branching infantry in the 10th Mountain Division, so I am a strong supporter of women in non-traditional roles. I am a participant in the National Task Force to End Domestic Violence, and was deeply involved in both Violence Against Women Act reauthorizations of 2005 and 2013. I have been the General Counsel of the National Congress of American Indians for nearly twenty-three years serving under female Executive Directors the entire time. That is all to say, I have a public role in important institutions that strongly support women and are much larger than myself. A question about my integrity on a matter such as this pains me in so many different ways.

Early on in my life and in my career I have lived with and worked with a lot of great women. I'm not perfect but I have my eyes open and I'm pretty sensitive when I am not lost in my own thoughts. I have seen women get harassed in small ways and in large, and how it makes them feel, and how it makes them shut down and shut men out. I never wanted to be one of those guys, because it's wrong, but also because that sucks to get shut out by women. Women are more than half of the light in this dark world.

This has also been very painful for me because you and I were friends and colleagues for at least a dozen years, and that has a lot of value to me. I have great respect for your work. I have always felt that you are a strong representative for NCAI, and do a lot more to build relationships with coalition partners and with Congressional staff than is widely recognized. I always thought that you deserved more credit for the HEARTH Act than you ever got. I have always appreciated the way that you translate your Navajo perspective into the professional environment of Washington, DC. Good friends are rare, and I have been so discouraged that you would think I betrayed our friendship. I would do virtually anything to reassure you and anyone else that I would never, ever, consider taking advantage of anyone, much less my friend [REDACTED]

John

EXHIBIT LL

GIFT AGREEMENT

This GIFT AGREEMENT (this "**Agreement**") is entered into effective as of January 31, 2018 (the "**Effective Date**") between **Indian Country Today Media Network, LLC**, a governmental instrumentality organized by, and existing under the laws of, the Oneida Indian Nation, a sovereign Indian nation ("**ICTMN**"), the **National Congress of American Indians** ("**NCAI**"), and, solely for the purposes of Section 1(a) and Section 2 of this Agreement, the Oneida Indian Nation (the "**Nation**").

Section 1. Gifted Assets. ICTMN and, solely for the purposes of Section 1(a) below, the Nation, hereby grant, transfer and assign to NCAI, by way of gift, and NCAI hereby accepts, all of ICTMN's and/or the Nation's (as applicable) right, title and interest in and to the following assets related to the Indian Country Media Network (collectively, the "**Gifted Assets**");

a) all trademarks, service marks, trade names, domain names and other intellectual property owned by ICTMN with respect to the Indian Country Media Network website (the "**Website**") and/or ICTMN's magazine, *This Week from Indian Country Today* (the "**Magazine**") as of the Effective Date, including without limitation the trademark and service mark applications and registrations set forth on Schedule 1 (collectively, the "**Trademarks**") and the domain names set forth on Schedule 2 (collectively, the "**Domain Names**");

b) all articles and other content owned by ICTMN with respect to the Website and Magazine as of the Effective Date, *subject to* ICTMN's or its affiliates' right to re-publish any such articles with prior notice to NCAI;

c) all rights in any agreements in effect between ICTMN and third parties as of the Effective Date relating to any articles or other content licensed by ICTMN with respect to the Website or Magazine, solely to the extent such rights are transferable to NCAI under the terms of such agreements and *subject to* ICTMN's or its affiliates' right to re-publish any such articles, to the extent permitted by such agreements, with prior notice to NCAI ;

d) ICTMN's social media accounts as of the Effective Date, including without limitation Facebook, Twitter, Pinterest and Google+ (the "**Social Media Accounts**");

e) ICTMN's subscriber database as of the Effective Date (the "**Database**"), *subject to* ICTMN's or its affiliates' right to retain a copy of the Database and use the data in perpetuity for its or its affiliates' own marketing purposes;

f) all accounts receivable arising out of NCAI's sale of advertising space on or after the Effective Date; and

g) The good will of ICTMN related to the Gifted Assets.

NCAI acknowledges and agrees that the Gifted Assets are conveyed to NCAI "AS-IS", without warranties of any kind, including without limitation warranties of title and non-infringement.

Section 2. Excluded Assets. All assets not included as part of the Gifted Assets shall be retained by ICTMN and shall not be conveyed to NCAI, including without limitation the following: (a) subject to Section 3(a)(iii), accounts receivable and unbilled revenues arising from any agreements between ICTMN and third parties relating to the sale of advertising space on the Website prior to the Effective Date ("**Active**

Advertising Agreements”); (b) all tangible personal property of ICTMN, such as computers, office equipment, inventory and supplies; and (c) all business records relating to ICTMN’s operations, such as files, correspondence, financial, legal, sales, personnel and other records, and promotional material (collectively, the “Excluded Assets”). ICTMN and the Nation agree not to conduct any business operations under the name “Indian Country Today Media Network”, “Indian Country Media Network” or “Indian Country Today” after the Effective Date, subject to the winding down of ICTMN’s business and the resolution of any legal claims pending against ICTMN as of the Effective Date.

Section 3. Liabilities.

a) NCAI shall be solely responsible for all obligations and liabilities arising out of (i) NCAI’s ownership or use of the Gifted Assets on or after the Effective Date, and (ii) any content posted by NCAI or its contributors on the Website prior to the Effective Date. NCAI shall also be solely responsible for reviewing, at its own expense, all agreements included as part of the Gifted Assets to determine if ICTMN’s rights under such agreements are transferable to NCAI under the terms of such agreements.

b) ICTMN shall be solely responsible for all obligations and liabilities arising out of (i) the Excluded Assets, or (ii) ICTMN’s ownership or use of the Gifted Assets prior to the Effective Date, including without limitation any legal claims pending against ICTMN as of the Effective Date.

Section 4. Indemnification.

a) To the fullest extent permitted by law, NCAI hereby agrees to indemnify, defend, and hold ICTMN and its parents and affiliates, and each of its/their respective representative(s), officers, directors, employees, agents and contractors, harmless from and against any and all third-party claims, and demands, and associated liabilities, losses, damages and expenses (including without limitation reasonable attorneys’ fees, court costs and amounts paid in settlement), arising out of or related (i) NCAI’s ownership or use of the Gifted Assets on or after the Effective Date, or (ii) any content posted by NCAI or its contributors on the Website prior to the Effective Date, including without limitation claims for infringement of third-party rights, libel, invasion of privacy, data breach or breach of contract.

b) To the fullest extent permitted by law, ICTMN hereby agrees to indemnify, defend, and hold NCAI and its representative(s), officers, directors, employees, agents and contractors, harmless from and against any and all third-party claims and demands, and associated liabilities, losses, damages and expenses (including without limitation reasonable attorneys’ fees, court costs and amounts paid in settlement), arising out of or related to (i) ICTMN’s ownership or use of the Gifted Assets prior to the Effective Date, or (ii) ICTMN’s exercise of its rights under Sections 1(b), 1(c) or 1(e), including without limitation claims for infringement of third-party rights, libel, invasion of privacy, data breach or breach of contract.

Section 5. Actions to be Taken by ICTMN On or After the Effective Date. On or promptly after the Effective Date, ICTMN shall:

a) deliver an executed short form Trademark Assignment Agreement to NCAI to enable NCAI to record the assignment of the Trademarks with the applicable intellectual property offices; and

b) take such steps as are necessary to begin transferring the Domain Names and Social Media Accounts to NCAI.

Section 6. Actions to be Taken by NCAI On or After the Effective Date. On or promptly after the Effective Date, NCAI shall:

a) record the assignment of the Trademarks with the applicable intellectual property offices;

- b) take such steps as are necessary to complete the transfer of the Domain Names to NCAI; and
- c) reimburse ICTMN for the cost of renewing the domain names set forth on Schedule 3.

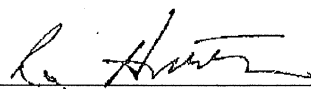
Section 7. Expenses. Each party shall each bear its own expenses incurred in connection with the negotiation, execution, delivery and performance of this Agreement and each other agreement, document and instrument contemplated by this Agreement. NCAI shall also be responsible for all applicable taxes and third-party fees arising out of or related to the transfer of the Assets, including without limitation, U.S. and foreign intellectual property assignment recordation fees and Domain Name renewal fees.

Section 8. Further Assurances. Each party agrees to execute and deliver such other documents or agreements as are necessary to effectuate the transfer of the Gifted Assets to NCAI. In addition, NCAI shall have the right to request copies of any financial records retained by ICTMN with respect to the Gifted Assets solely for the purpose of responding to reasonable requests by NCAI's financial auditors for information concerning the Gifted Assets.

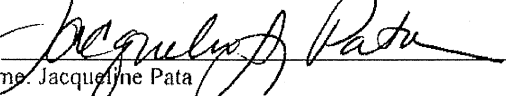
Section 9. Miscellaneous. This Agreement embodies the entire agreement between the parties with respect to the gift and supersedes all prior representations, agreements and understandings, oral or written, with respect to such gift. This Agreement may not be modified in whole or in part except in a writing signed by both parties. No waiver of any provision of this Agreement shall be deemed or shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver, unless otherwise provided in the waiver instrument. This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns. This Agreement does not confer any enforceable rights or remedies upon any person or entity other than the parties to this Agreement and their successors and assigns. The terms of this Agreement shall survive the transfer of the Gifted Assets to NCAI. This Agreement may be executed in counterparts and delivered by electronic means, each of which is deemed to be an original and all of which taken together constitute one and the same agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective officers thereunto duly authorized, as of the date first written above.

INDIAN COUNTRY TODAY MEDIA NETWORK, LLC

By: 
Name: Ray Halbritter
Title: Nation Representative and Chief Executive Officer

NATIONAL CONGRESS OF AMERICAN INDIANS

By: 
Name: Jacqueline Pata
Title: Executive Director
Date: January 31, 2018


Schedule 1

Trademarks & Service Marks

Mark/Name/AN/RN	Registration Date	Full Goods/Services	Country
<u>DATECATCHER</u> RN: 4186821	August 7, 2012	(Int'l Class: 45) internet-based social networking, introduction, and dating services	USA
<u>DREAMCATCHER</u> RN: 4332896	May 7, 2013	(Int'l Class: 35) promoting the goods and services of others via a global computer network (Int'l Class: 42) computer services, namely, providing customized web pages and other data feed formats featuring user-defined information; providing a website featuring a media aggregator for internet content (Int'l Class: 45) online social networking services	USA
<u>INDIAN COUNTRY BUSINESS TODAY</u> RN: 5036949	September 6, 2016	(Int'l Class: 09) downloadable electronic newsletters featuring information and news in the field of business relating to the Native American community (Int'l Class: 35) providing a website featuring information and news in the field of business relating to the Native American community	USA
<u>INDIAN COUNTRY DESTINATIONS TODAY</u> RN: 4842175	October 27, 2015	(Int'l Class: 09) downloadable electronic newsletters featuring information and news in the field of travel, tourism, and recreation relating to the Native American community (Int'l Class: 39) providing a website featuring information and news in the field of travel and travel tourism relating to the Native American community	USA
<u>INDIAN COUNTRY EDUCATION TODAY</u> RN: 4668376	January 6, 2015	(Int'l Class: 09) downloadable electronic newsletters featuring information and news in the field of education relating to the Native American community (Int'l Class: 41) providing a website featuring information and news in the field of education relating to the Native American community	USA
<u>INDIAN COUNTRY GAMING TODAY</u> RN: 3570482	February 3, 2009	(Int'l Class: 16) magazines in the field of Indian gaming	USA
<u>INDIAN COUNTRY HEADLINE NEWS</u> RN: 3167002	October 31, 2006	(Int'l Class: 41) providing on-line news reports about Indian issues	USA
<u>INDIAN COUNTRY POW WOW</u>	June 2, 2015	(Int'l Class: 09) downloadable electronic newsletters featuring information and	USA


Mark/Name/AN/RN	Registration Date	Full Goods/Services	Country
<u>TODAY</u> RN: 4749455		news in the field of Native American pow wow festivals and cultural events (Int'l Class: 41) providing a website featuring information and news in the field of Native American pow wow festivals and cultural events	
<u>INDIAN COUNTRY TODAY</u> RN: 2886105	September 21, 2004	(Int'l Class: 16) magazines about Indian issues	USA
<u>INDIAN COUNTRY TODAY</u> RN: 4756144	June 16, 2015	(Int'l Class: 35) online retail store services featuring general consumer goods	USA
<u>INDIAN COUNTRY TODAY</u> RN: 4366129	July 9, 2013	(Int'l Class: 35) providing online searchable databases featuring classified ad listings and employment opportunities; promoting the goods and services of others via a global computer network (Int'l Class: 38) providing online forums for transmission of messages among computer users; transmission of audio and video content via a global computer network (Int'l Class: 41) entertainment and educational services, namely, providing a website featuring information, news, articles, and commentary in the field of current events, sports, entertainment, arts, recreation and leisure, all relating to the Native American community; providing an educational website featuring content pertaining to Native American languages, cultural information, history, art, cooking, and education; providing online publications in the nature of e-magazines in the field of Native American issues (Int'l Class: 42) computer services, namely, creating an online community for users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking; providing a website that gives users the ability to create customized web pages and personal profiles featuring user-defined information as well as view and share photos, videos, commentary, and other user-generated content (Int'l Class: 44) providing a website featuring information about health, wellness, and nutrition (Int'l Class: 45) internet-based dating, introduction, and social networking services; providing genealogical and family history information via a global computer network	USA
<u>INDIAN COUNTRY TODAY MEDIA NETWORK</u> RN: 4319005	April 9, 2013	(Int'l Class: 16) publications, namely, magazines in the field of Native American issues (Int'l Class: 35) providing online searchable databases featuring classified ad listings and employment opportunities; promoting the goods and services of others via a global computer network (Int'l Class: 38)	USA

Mark/Name/AN/RN	Registration Date	Full Goods/Services	Country
		<p>providing online forums for transmission of messages among computer users; transmission of audio and video content via a global computer network (Int'l Class: 41)</p> <p>entertainment and educational services, namely, providing a website featuring information, news, articles, and commentary in the field of current events, sports, entertainment, arts, recreation and leisure, all relating to the Native American community; providing an educational website featuring content pertaining to Native American languages, cultural information, history, art, cooking, and education; providing online publications in the nature of e-magazines in the field of Native American issues (Int'l Class: 42)</p> <p>computer services, namely, creating an online community for users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking; providing a website that gives users the ability to create customized web pages and personal profiles featuring user-defined information as well as view and share photos, videos, commentary, and other user-generated content (Int'l Class: 44)</p> <p>providing a website featuring information about health, wellness, and nutrition (Int'l Class: 45)</p> <p>internet-based dating, introduction, and social networking services; providing genealogical and family history information via a global computer network</p>	
<u>INDIAN COUNTRY TODAY</u> <u>MEDIA NETWORK</u> RN: 4756142	June 16, 2015	(Int'l Class: 35) online retail store services featuring general consumer goods	USA
<u>MICAZADORDESUENOS.COM</u> RN: 4237849	November 6, 2012	(Int'l Class: 35) promoting the goods and services of others via a global computer network (Int'l Class: 42) computer services, namely, providing customized web pages and other data feed formats featuring user-defined information; providing a website featuring a media aggregator for internet content; providing internet search engines (Int'l Class: 45) online social networking services	USA
<u>MYDREAMCATCHER.COM</u> RN: 4229121	October 23, 2012	(Int'l Class: 35) promoting the goods and services of others via a global computer network (Int'l Class: 42) computer services, namely, providing customized web pages and other data feed formats featuring user-defined information; providing a website featuring a media aggregator for internet content; providing internet search engines (Int'l Class: 45) online social networking services	USA
<u>SERVING THE NATIONS</u>	November 20, 2012	(Int'l Class: 16)	USA

Mark/Name/AN/RN	Registration Date	Full Goods/Services	Country
<u>CELEBRATING THE PEOPLE</u> RN: 4247539		publications, namely, magazines in the field of Native American issues (Int'l Class: 35) providing online searchable databases featuring classified ad listings and employment opportunities; promoting the goods and services of others via a global computer network (Int'l Class: 38) providing online forums for transmission of messages among computer users; transmission of audio and video content via a global computer network (Int'l Class: 41) entertainment and educational services, namely, providing a website featuring information, news, articles, and commentary in the field of current events, sports, entertainment, arts, recreation and leisure, all relating to the Native American community; providing an educational website featuring content pertaining to Native American languages, cultural information, history, art, cooking, and education; providing online publications in the nature of e-magazines in the field of Native American issues (Int'l Class: 42) computer services, namely, creating an online community for users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking; providing a website that gives users the ability to create customized web pages and personal profiles featuring user-defined information as well as view and share photos, videos, commentary, and other user-generated content (Int'l Class: 44) providing a website featuring information about health, wellness, and nutrition (Int'l Class: 45) internet-based dating, introduction, and social networking services; providing genealogical and family history information via a global computer network	
<u>SERVING THE NATIONS</u> <u>CELEBRATING THE PEOPLE</u> RN: 4756143	June 16, 2015	(Int'l Class: 35) online retail store services featuring general consumer goods	USA
<u>THIS WEEK FROM INDIAN</u> <u>COUNTRY TODAY</u> RN: 4129490	April 17, 2012	(Int'l Class: 16) publications, namely, magazines in the field of Native American issues	USA
<u>Design Only</u>  RN: 4370157 SN: 85979547	July 16, 2013	(Int'l Class: 16) publications, namely, magazines in the field of Native American issues (Int'l Class: 35) providing online searchable databases featuring classified ad listings and employment opportunities; promoting the goods and services of others via a global computer network (Int'l Class: 38) providing online forums for transmission of messages among computer users; transmission of audio and video content via a global computer network	USA

Mark/Name/AN/RN	Registration Date	Full Goods/Services	Country
<p data-bbox="164 386 456 436"><u>SERVING THE NATIONS</u> <u>CELEBRATING THE PEOPLE</u></p> <p data-bbox="164 453 326 478">RN: TMA932597</p>	<p data-bbox="505 386 651 411">March 24, 2016</p>	<p data-bbox="721 380 1339 485">(1) Motion picture films and films for television in the field of Native American issues; pre-recorded DVDs featuring content in the field of Native Americans; publications, namely, books in the field of Native American issues.</p> <p data-bbox="721 495 1339 548">(2) Publications, namely magazines in the field of Native American issues.</p> <p data-bbox="721 558 1339 919">(1) Online sales of art, jewelry, crafts, and rugs; talent networking services for promotional and employment purposes, namely, providing a website to connect entertainment industry professionals with Native American talent; providing stock and other financial market information via a global computer network; providing online computer games; online journals, namely, blogs featuring information in the field of Native American issues ; providing online publications in the nature of e-books in the field of Native American issues; promoting the sale of wares and services through promotional contests and sweepstakes ; providing a web hosting platform for others allowing them to host a radio talk show via a global computer network; providing weather information via a global computer network; Internet-based dating, introduction and social networking services.</p> <p data-bbox="721 930 1339 1654">(2) Providing online searchable databases featuring classified ad listings and employment opportunities; promoting the goods and services of others via a global computer network, by providing a web page featuring links to the websites of others; promoting the goods and services of others via a global computer network, by providing a web page that displays advertisements of others; providing online forums for transmission of messages among computer users, namely, providing an interactive website in the field of Native American issues; transmission of audio and video content via a global computer network, namely, dissemination of Native American information via a global information network; entertainment and educational services, namely providing a website featuring information, news, articles, and commentary in the field of current events, sports, entertainment, arts, recreation and leisure, all relating to the Native American community; providing an educational website featuring content pertaining to Native American languages, cultural information, history, art, cooking and education; providing online publications in the nature of e-magazines in the field of Native American issues; computer services, namely, creating an online community for users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking; providing a website that gives users the ability to create customized web pages and personal profiles featuring user-defined information as well as view and share photos, videos, commentary; providing a website featuring information about health, wellness and nutrition; providing genealogical and family history information via a global computer network.</p> <p data-bbox="721 1665 1339 1822">(3) Providing online searchable databases featuring classified ad listings and employment opportunities; promoting the goods and services of others via a global computer network, by providing a web page featuring links to the websites of others; promoting the goods and services of others via a global computer network, by providing a web page that displays advertisements of others;</p>	<p data-bbox="1365 380 1438 405">Canada</p>

Mark/Name/AN/RN	Registration Date	Full Goods/Services	Country
		<p>providing online forums for transmission of messages among computer users, namely, providing an interactive website in the field of Native American issues; transmission of audio and video content via a global computer network, namely, dissemination of Native American information via a global information network; entertainment and educational services, namely, providing a website featuring information, news, articles, and commentary relating to the Native American community; providing an educational website in the field of Native American history, languages, culture, art, cooking, and other Native American issues; providing online publications in the nature of e-magazines in the field of Native American issues; computer services, namely, creating an online community for users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking; providing a website that gives users the ability to create customized web pages and personal profiles featuring user-defined information as well as view, upload, post, exchange, and share photos, videos, commentary; providing a website featuring information about health, wellness, and nutrition; providing genealogical and family history information via a global computer network.</p> <p>(4) Online sales of art, jewelry, crafts, and rugs.</p>	
<u>INDIAN COUNTRY TODAY</u> RN: TMA881432	July 8, 2014	(1) Publications, namely, magazines in the field of Native American issues.	Canada
<u>INDIAN COUNTRY TODAY</u> <u>MEDIA NETWORK</u> RN: TMA932567	March 24, 2016	(1) Publications, namely magazines in the field of Native American issues. (1) Providing online searchable databases featuring classified ad listings and employment opportunities; promoting the goods and services of others via a global computer network, by providing a web page featuring links to the websites of others; promoting the goods and services of others via a global computer network, by providing a web page that displays advertisements of others; providing online forums for transmission of messages among computer users, namely, providing an interactive website in the field of Native American issues; transmission of audio and video content via a global computer network, namely, dissemination of Native American information via a global information network; entertainment and educational services, namely providing a website featuring information, news, articles, and commentary in the field of current events, sports, entertainment, arts, recreation and leisure, all relating to the Native American community; providing an educational website featuring content pertaining to Native American languages, cultural information, history, art, cooking and education; providing online publications in the nature of e-magazines in the field of Native American issues; computer services, namely, creating an online community for users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking; providing a website that gives users the ability to create customized web pages and personal profiles featuring user-defined information as well as view and share photos, videos, commentary; providing a website featuring information about health, wellness and nutrition;	Canada

Mark/Name/AN/RN	Registration Date	Full Goods/Services	Country
		<p>providing genealogical and family history information via a global computer network.</p> <p>(2) Providing online searchable databases featuring classified ad listings and employment opportunities; promoting the goods and services of others via a global computer network, by providing a web page featuring links to the websites of others; promoting the goods and services of others via a global computer network, by providing a web page that displays advertisements of others; providing online forums for transmission of messages among computer users, namely, providing an interactive website in the field of Native American issues; transmission of audio and video content via a global computer network, namely, dissemination of Native American information via a global information network; entertainment and educational services, namely, providing a website featuring information, news, articles, and commentary relating to the Native American community; providing an educational website in the field of Native American history, languages, culture, art, cooking, and other Native American issues; providing online publications in the nature of e-magazines in the field of Native American issues; computer services, namely, creating an online community for users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking; providing a website that gives users the ability to create customized web pages and personal profiles featuring user-defined information as well as view, upload, post, exchange, and share photos, videos, commentary; providing a website featuring information about health, wellness, and nutrition; providing genealogical and family history information via a global computer network.</p> <p>(3) Online sales of art, jewelry, crafts, and rugs.</p>	
<p><u>THIS WEEK FROM INDIAN COUNTRY TODAY</u></p> <p>RN: TMA849099</p>	<p>April 22, 2013</p>	<p>(1) Publications, namely, magazines in the field of Native American issues.</p>	<p>Canada</p>
<p><u>Design Only</u></p>  <p>RN: TMA933672</p>	<p>April 5, 2016</p>	<p>(1) Publications, namely, magazines in the field of Native American issues.</p> <p>(1) Providing online searchable databases featuring classified ad listings and employment opportunities; promoting the goods and services of others via a global computer network, by providing a web page featuring links to the websites of others; promoting the goods and services of others via a global computer network, by providing a web page that displays advertisements of others; providing online forums for transmission of messages among computer users, namely, providing an interactive website in the field of Native American issues; transmission of audio and video content via a global computer network, namely, dissemination of Native American information via a global information network; entertainment and educational services, namely providing a website featuring information, news, articles, and commentary in the field of current events, sports, entertainment, arts, recreation and leisure.</p>	<p>Canada</p>

Mark/Name/AN/RN	Registration Date	Full Goods/Services	Country
		<p>all relating to the Native American community; providing an educational website featuring content pertaining to Native American languages, cultural information, history, art, cooking and education; providing online publications in the nature of e-magazines in the field of Native American issues; computer services, namely, creating an online community for users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking; providing a website that gives users the ability to create customized web pages and personal profiles featuring user-defined information as well as view and share photos, videos, commentary; providing a website featuring information about health, wellness and nutrition; providing genealogical and family history information via a global computer network.</p> <p>(2) Providing online searchable databases featuring classified ad listings and employment opportunities; promoting the goods and services of others via a global computer network, by providing a web page featuring links to the websites of others; promoting the goods and services of others via a global computer network, by providing a web page that displays advertisements of others; providing online forums for transmission of messages among computer users, namely, providing an interactive website in the field of Native American issues; transmission of audio and video content via a global computer network, namely, dissemination of Native American information via a global information network; entertainment and educational services, namely, providing a website featuring information, news, articles, and commentary relating to the Native American community; providing an educational website in the field of Native American history, languages, culture, art, cooking, and other Native American issues; providing online publications in the nature of e-magazines in the field of Native American issues; computer services, namely, creating an online community for users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking; providing a website that gives users the ability to create customized web pages and personal profiles featuring user-defined information as well as view, upload, post, exchange, and share photos, videos, commentary; providing a website featuring information about health, wellness, and nutrition; providing genealogical and family history information via a global computer network.</p> <p>(3) Online sales of art, jewelry, crafts, and rugs.</p>	

Schedule 2

Domain Names

- indiancountrymedianetwork.com
- indiancountrymedianetwork.biz
- indiancountrymedianetwork.co
- indiancountrymedianetwork.info
- indiancountrymedianetwork.mobi
- indiancountrymedianetwork.net
- indiancountrymedianetwork.org
- indiancountrymedianetwork.us
- indiancountrymedianetwork.us.com
- indiancountrymedianetwork.xxx
- indiancountrytodaymedianetwork.com
- indiancountrytodaymedianetwork.biz
- indiancountrytodaymedianetwork.co
- indiancountrytodaymedianetwork.info
- indiancountrytodaymedianetwork.mobi
- indiancountrytodaymedianetwork.net
- indiancountrytodaymedianetwork.org
- indiancountrytodaymedianetwork.us
- indiancountrytodaymedianetwork.us.com
- indiancountrytodaymedianetworkentertainment.biz
- indiancountrytodaymedianetworkentertainment.co
- indiancountrytodaymedianetworkentertainment.com
- indiancountrytodaymedianetworkentertainment.info
- indiancountrytodaymedianetworkentertainment.mobi
- indiancountrytodaymedianetworkentertainment.net
- indiancountrytodaymedianetworkentertainment.org
- indiancountrytodaymedianetworkentertainment.us
- indiancountrytodaymedianetworkentertainment.us.com
- indiancountrytodaymedianetworkkids.biz
- indiancountrytodaymedianetworkkids.co
- indiancountrytodaymedianetworkkids.com
- indiancountrytodaymedianetworkkids.info
- indiancountrytodaymedianetworkkids.mobi
- indiancountrytodaymedianetworkkids.net
- indiancountrytodaymedianetworkkids.org
- indiancountrytodaymedianetworkkids.us
- indiancountrytodaymedianetworkkids.us.com
- indiancountrytodaymedianetworklearning.biz
- indiancountrytodaymedianetworklearning.co
- indiancountrytodaymedianetworklearning.com
- indiancountrytodaymedianetworklearning.info
- indiancountrytodaymedianetworklearning.mobi
- indiancountrytodaymedianetworklearning.net
- indiancountrytodaymedianetworklearning.org
- indiancountrytodaymedianetworklearning.us
- indiancountrytodaymedianetworklearning.us.com
- indiancountrytoday.biz
- indiancountrytoday.co
- indiancountrytoday.com
- indiancountrytoday.info
- indiancountrytoday.mobi
- indiancountrytoday.net
- indiancountrytoday.org
- indiancountrytoday.us
- indiancountrytoday.us.com
- indiancountrytoday.xxx
- indiancountrytodayentertainment.biz
- indiancountrytodayentertainment.co
- indiancountrytodayentertainment.com
- indiancountrytodayentertainment.info
- indiancountrytodayentertainment.net
- indiancountrytodayentertainment.org
- indiancountrytodayentertainment.us
- indiancountrytodayentertainment.us.com

- indiancountrytodaykids.biz
- indiancountrytodaykids.co
- indiancountrytodaykids.com
- indiancountrytodaykids.info
- indiancountrytodaykids.mobi
- indiancountrytodaykids.net
- indiancountrytodaykids.org
- indiancountrytodaykids.us
- indiancountrytodaykids.us.com
- indiancountrytodaylearning.biz
- indiancountrytodaylearning.co
- indiancountrytodaylearning.com
- ictc.co
- ictc.mobi
- ictentertainment.biz
- ictentertainment.co
- ictentertainment.info
- ictentertainment.mobi
- ictentertainment.org
- ictentertainment.us
- ictentertainment.us.com
- ictk.co
- ictk.mobi
- ictk.us.com
- ictkids.biz
- ictkids.co
- ictkids.info
- ictkids.mobi
- ictkids.org
- ictkids.us
- ictkids.us.com
- ictl.biz
- ictl.co
- ictl.mobi
- ictl.us
- indiancountrytodaylearning.info
- indiancountrytodaylearning.mobi
- indiancountrytodaylearning.net
- indiancountrytodaylearning.org
- indiancountrytodaylearning.us
- indiancountrytodaylearning.us.com
- indiancountrytodaymagazine.com
- indiancountrytodaymagazine.net
- indiancountrytodaymagazine.org
- indiancountrytodaynetwork.com
- indiancountrytodaynetwork.net
- indiancountrytodaynetwork.org
- ictl.us.com
- ictmn.biz
- ictmn.co
- ictmn.com
- ictmn.info
- ictmn.mobi
- ictmn.net
- ictmn.org
- ictmn.us
- ictmn.us.com
- ictmne.biz
- ictmne.co
- ictmne.com
- ictmne.info
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- ictmne.org
- ictmne.us
- ictmne.us.com
- ictmnentertainment.biz
- ictmnentertainment.co
- ictmnentertainment.com
- ictmnentertainment.info

- ictmnextertainment.mobi
- ictmnextertainment.net
- ictmnextertainment.org
- ictmnextertainment.us
- ictmnextertainment.us.com
- ictmnk.biz
- ictmnk.co
- ictmnk.com
- ictmnk.info
- ictmnk.mobi
- ictmnk.net
- ictmnk.org
- ictmnk.us
- ictmnk.us.com
- ictmnkids.biz
- ictmnkids.co
- ictmnkids.com
- ictmnkids.info
- ictmnkids.mobi
- ictmnkids.net
- ictmnkids.org
- ictmnkids.us
- ictmnkids.us.com
- ictmnl.biz
- ictmnl.co
- ictmnl.com
- ictmnl.info
- ictmnl.mobi
- ictmnl.net
- ictmnl.org
- ictmnl.us
- ictmnl.us.com

Schedule 3**Renewed Domain Names**

Domain Name	Renewal Date
indiancountrymedianetwork.biz	12/8/2017
indiancountrymedianetwork.co	12/8/2017
indiancountrymedianetwork.com	12/8/2017
indiancountrymedianetwork.info	12/8/2017
indiancountrymedianetwork.mobi	12/8/2017
indiancountrymedianetwork.net	12/8/2017
indiancountrymedianetwork.org	12/8/2017
indiancountrymedianetwork.us	12/8/2017
indiancountrymedianetwork.us.com	12/8/2017
indiancountrytodaymagazine.com	12/8/2017
indiancountrytodaymagazine.net	12/8/2017
indiancountrytodaymagazine.org	12/8/2017
indiancountrytodaynetwork.com	12/8/2017
indiancountrytodaynetwork.net	12/8/2017
indiancountrytodaynetwork.org	12/8/2017
Total Cost	\$221.85

EXHIBIT MM



NATIONAL CONGRESS OF AMERICAN INDIANS

September 18, 2018

Honorable Tribal Leadership,

For nearly seventy-five years, the National Congress of American Indians has worked tirelessly to advocate for Tribal interests in Washington, D.C. We have carried out those efforts at your direction, with your support and confidence. Together, we have achieved much on behalf of Indian Country.

Our success is the result, in part, of the efforts of our staff, a team of people dedicated to our mission and values.

We take seriously allegations such as those made recently in published news reports. These allegations strike at our core values and mission. We do not take them lightly. Many of you have raised concerns over the recent article, and we are grateful that you have inquired about the facts and made your feelings known to us.

Please know that NCAI is, and always has been, strongly committed to ensuring a workplace that is free of harassment and retaliation. We take all allegations of harassment seriously, making sure they are fully investigated, with appropriate corrective actions taken when necessary.

Unfortunately, the published allegations you may have read are misleading. They rely heavily on innuendo and are devoid of key facts. Because of NCAI's strict adherence to its policies, we cannot share details of any personnel matters publicly. Our policies protect the privacy and rights of all our employees and also help manage any legal risk to NCAI. They are standard practice in nonprofit, for profit and governmental organizations. However, these policies have limited NCAI's ability to more fully address the confusion, frustration, and doubts of everyone reading these reports. We assure you that the suggestion that NCAI has turned a blind eye to a culture of harassment is simply untrue.

As a leading policy voice in the drive to address violence against American Indian and Alaska Native women, we have been heartened by the Me Too movement and the changing national conversation around sexual harassment. Sexual harassment has no home in the workplace—at NCAI or anywhere else. The disrespect for people that underlies sexual harassment cannot be separated from the high rates of sexual violence experienced in our communities or the crisis of missing and murdered Native women. Our traditions hold women as sacred. Only by eradicating the colonized thinking that devalues women will we be able to ensure the safety, security, happiness, and prosperity of our Native women. NCAI seeks to lead by example, working in partnership with you to instill and guard these values in our communities and our workplaces.

EXECUTIVE COMMITTEE

PRESIDENT

Jefferson Keel
Chickasaw Nation

FIRST VICE-PRESIDENT

Aaron Payment
*Sault Ste. Marie Tribe of Chippewa
Indians of Michigan*

RECORDING SECRETARY

Juana Majel-Dixon
Pauma Band Mission Indians

TREASURER

W. Ron Allen
Jamestown S'Klallam Tribe

REGIONAL VICE-PRESIDENTS

ALASKA

Rob Sanderson, Jr.
*Tlingit & Haida Indian Tribes of
Alaska*

EASTERN OKLAHOMA

Joe Byrd
Cherokee Nation

GREAT PLAINS

Larry Wright, Jr.
Ponca Tribe of Nebraska

MIDWEST

Roger Rader
Pokagon Band of Potawatomi

NORTHEAST

Lance Gumbs
Shinnecock Indian Nation

NORTHWEST

Leonard Forsman
Suquamish Tribe

PACIFIC

Willie Carrillo
Tule River Tribe of California

ROCKY MOUNTAIN

Darrin Old Coyote
Crow Nation

SOUTHEAST

Nancy Carnley
Ma-Chis Lower Creek Indians

SOUTHERN PLAINS

Zach Pahmahmie
Prairie Band of Potawatomi Nation

SOUTHWEST

Joe Garcia
Ohkay Owingeh Pueblo

WESTERN

Franklin Pablo, Sr.
Gila River Indian Community

EXECUTIVE DIRECTOR

Jacqueline Pata
Tlingit

NCAI HEADQUARTERS

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Washington, DC 20005
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We will continue to take seriously any concerns and complaints, and we will not hesitate to take all necessary steps to protect the people who make up and support the organization.

Respectfully,

A handwritten signature in black ink, appearing to read "Jefferson Keel". The signature is written in a cursive style with a large initial "J".

Jefferson Keel

EXHIBIT NN

From: [John Dossett](#)
To: lt.gov@chickasaw.net; [Aaron Payment](#); jmajel@aol.com; RALLEN@jamestowntribe.org
Subject: Requesting an Investigation Before Determining My Future with NCAI
Date: Wednesday, September 26, 2018 1:11:00 PM
Attachments: [Jacqueline de Leon Letter Re John Dossett.pdf](#)
[Katy Tyndell Letter to NCAI ExCo.pdf](#)
[NIWRCE Press Release Sexual Harrastment Workplace Environment.pdf](#)

Dear NCAI President Keel, First Vice President Payment, Recording Secretary Majel, and Treasurer Allen:

The Executive Committee is considering asking me to resign after the story published in Indianz. I reiterate that have never engaged in sexual harassment. In 2016, NCAI investigated an employee report that she felt uncomfortable when I assisted her down a busy street to the meeting event hotel and concluded that I had not acted inappropriately. In 2018 NCAI conducted another investigation when an employee reported I made an off-color comment. Each time, the reports were addressed and each time found no sexual harassment. Nothing has changed because of baseless allegations on a gossip-driven internet blog.

It has surprised me that there has been no investigation of the broader allegations in the Indianz article. No one has asked me a single question, and I am not aware that any of the NCAI staff have been asked about their experiences with me. I have been accused of being a “sexual predator” by former NCAI employees, but the Indianz story identifies no victim and none have come forward. Zero. Other former employees have come forward with very different and positive accounts of their experiences with me. I am attaching letters from Jaqueline De Leon and Katie Tyndell. Jacqueline Pata and the Executive Committee have been accused of complacency while sexual misconduct took place with their knowledge. Our Employee Handbook says that allegations will be investigated. There has to be an investigative process, and I have to be a part of that process.

Here is why forcing my early resignation will backfire:

- 1) I haven't sexually harassed anyone, and I need a process to clear my name. If I resign under this cloud, my reputation and career are destroyed, and my family suffers. Either NCAI investigates and clears my name, or I will be forced to do it with lawsuits and public statements about what really happened. I am deeply loyal to NCAI as an organization and I don't want to take this approach. Only a full and fair investigation of the facts will lift the cloud Indianz created.
- 2) It would validate everything in the Indianz article. Two days later, the likely headline will be “NCAI Ousts Predator Attorney, Leadership Under Scrutiny for Failure to Police Sexual Misconduct.” Acee Agoyo will gloat about how NCAI did nothing until his reporting put a spotlight on the problem. Nicole Hallingstad will be quoted about how she had been whistle-blowing since early 2017, but the Executive Committee ignored her. The allegations are not only about me, they are also about the entire organization.
- 3) Nicole Hallingstad is not going to stop. Her goal is to get Jackie fired, and she has more attacks and allegations that are not about me.
- 4) Sam Owl isn't going to stop either. He wants to file a wrongful termination suit, and he is portraying himself as a whistleblower who was forced to resign. More salacious headlines

in Indianz work to his benefit.

There is a better solution. The solution is to do a thorough investigation as suggested by the National Indigenous Women's Resource Center. "We trust that our partners are committed to fulfil their responsibility to evaluate and take very seriously any claims of sexual harassment, inequality, or workplace hostility." This investigation should have at least two parts, the sexual harassment allegations, and the workplace culture of NCAI staff. I want an investigation, and a chance to defend myself.

You may think that attorney Sadina Montani has already done an investigation. There are several problems with relying on her earlier work for the issues before us. First, there are many new allegations in the Indianz article, made by former NCAI employees, and never a part of the Montani investigation. Those allegations are not only about me, they are also about the Executive Director, and the Executive Committee. Second, Montani was hired by Jacqueline Pata in March of 2018, long before the Executive Committee was involved. The Executive Committee does not, but should, have independent legal advice. Third, it didn't take into account my concerns that Nicole Hallingstad had fabricated allegations against me and was misusing confidential employee information. My concerns about Nicole Hallingstad were silenced. Intentionally or unintentionally, the investigation appears designed to mollify Nicole Hallingstad. Finally, the investigation expanded to unrelated complaints, not sexual in nature, without my ability to respond because they were anonymous and the details not disclosed to me. Of course Ms. Montani found people willing to say bad things about me, Nicole had been circulating false rumors for years, and that mistrust transformed into the insinuation and innuendo you see in the Indianz article. Nicole had organized a campaign, and neither I nor Sadina Montani were fully aware of her maneuvering. I did not know that the investigation had become a general referendum on my character. If I had, I would have asked that the investigation include interviews with colleagues and co-workers who have had positive interactions and relationships with me recently and over the years.

I also believe the Executive Committee is getting uninformed advice on how to respond to a scandal in the media. Once the allegations are in the news, the organization cannot hide behind a veil of confidentiality. It looks like you are hiding something. When an internal investigation goes public, it is important to make a statement about the results of the investigation. As an example, look at the way the U.S. Military handles allegations that go public. There was an incident at West Point Military Academy last year where the star quarterback was accused of rape. When it went public, the Army didn't say, "We investigated, no comment." They made a public statement about the thorough investigation and that the accusations were unfounded. They authorized release of details that backed it up. At the same time they protected the identity of the accuser.

<http://www.chicagotribune.com/sports/college/ct-ahmad-bradshaw-army-20171209-story.html>

In other words, they cleared his name. I need something similar from NCAI: a real investigation; an opportunity to clarify I am not a sexual predator; a public statement about the results of that investigation; and authorization to release enough details to make it credible, but not to identify any parties who do not wish to be identified.

I understand that NCAI has hired a third party to do a "culture review" of the NCAI workplace. I fully support this, want to be a part of it, and hope that the Board will direct and oversee it. I have worked for NCAI for 23 years, learning first from Robert Holden, and I have

much to contribute to a thoughtful review of NCAI workplace culture. For most of my career, NCAI hired young, idealistic staff, and we worked collaboratively with the entire constituency of NCAI. Everyone pitched in with enthusiasm. More recently we have hired experienced employees from the federal government or corporate world. These experienced employees brought with them a culture of turfism, stay-in-your-lane, pass the buck, and minimize responsibilities. This approach slowed or diminished our work to advocate for tribes on the Hill and with federal agencies. I definitely resisted the bureaucratic culture they attempted to bring into NCAI. In turn, they resented it when Jackie would ask me to participate based on my long experience with NCAI and in federal Indian law. That has been the source of the conflict with me.

I have fully supported Jackie as Executive Director. Jackie is extremely effective, she has an incredible grasp of federal Indian policy, great relationships in so many important places, and admirable vision for future growth. She made a mistake in hiring Nicole Hallingstad, and in being unwilling to let her go when she was working to undermine NCAI from within. I also think Jackie's plate is too full, and issues that need time and attention like hiring, training, and teamwork among staff do not get the consideration they deserve. The irony is that Nicole was hired as a Director of Operations to help carry that load, but instead used it as a platform to create dysfunction and undermine the entire organization.

I believe your first responsibility as the Executive Committee is to direct a thorough investigation and get the facts clear. I cannot resign without this. After that, if you feel I must be forced to go, I would like enough time to gracefully transfer all of the projects, issues and documents that I have managed for over two decades. I have managed the NCAI Constitution and Bylaws and all the issues and amendments over the years. The fight against Slade Gorton, the Tribal Supreme Court Project, Land to Trust, Trust Reform, Probate Reform, the Tribal Law and Order Act, the Violence Against Women Act, a huge number of tax and development issues, etc., etc. I have cultivated relationships with hundreds of attorneys who work with NCAI collaboratively, often pro bono. The issues have come fast and furious for decades, and I want to hand them off in a good way. I have had a terrific career at NCAI, have deep experience on a broad range of legal issues, and I am an asset to both the organization and the field of federal Indian law. After the smoke clears, if NCAI wants to move on, Derrick Beetso is a tremendous attorney, as are Jacob Schellinger and Virginia Davis. All three worked under my supervision earlier in their careers.

I respectfully request that the NCAI Executive Committee work with me on a process with an opportunity to clear my name. The advice of the National Indigenous Women's Resource Center is to fully investigate. I urge you to take this course.

Very Respectfully, John Dossett

EXHIBIT 00

From: John Dossett
To: Montani, Sadina (smontani@vedderprice.com)
Subject: Request for New, Independent, and Broader Investigation of the Indianz Story
Date: Friday, September 28, 2018 4:42:00 PM

Dear Ms. Montani:

As you know, the online journal Indianz has published a story, claiming that I am a “sexual predator,” pointing to the change in my job title as evidence. The article goes on to claim that NCAI leadership, including Executive Director Jacqueline Pata and the Executive Committee, knew about this and did nothing to stop it. NCAI’s public responses resulted in the perception that NCAI covered up and silenced allegations about me and the conduct of other “bad actors.” President Keel’s September letter to Tribal Leadership accurately states the Indianz article is misleading and devoid of facts, but fails to include that the investigation found no sexual harassment or that the NCAI workplace is safe, perhaps because the scope of your investigation was narrower. This resulted in another Indianz article.

I am urging the Executive Committee to conduct a new and independent investigation of the much broader allegations made by former NCAI staff in the Indianz article concerning how Jackie and the Executive Committee addressed employee complaints, including any against me, against other employees, colleagues or NCAI members, and whether the work environment was “safe.” I hope you will join me in making this recommendation to the Executive Committee for the benefit of NCAI to effectively pursue its important mission.

Unsurprisingly, in the course of a new investigation, I would like to clear my name. NCAI investigated the two reports concerning me, it didn’t sweep them under the rug. Yet, the article following your investigation describes me as a sexual predator, damaging my professional reputation, my career, and my ability to seek future compensation. The article, and the ones that have followed, have called NCAI management into question in the face of this characterization of me (which was based on anonymous sources repeating hearsay). It is simply untrue that it was “common knowledge” that I was a predator and NCAI looked the other way. It is my sincere hope that a new investigation will make this clear.

It is my opinion that a new investigation must be directed by and reported to the Executive Committee with separate and independent legal counsel. First, my understanding is that the scope of your investigation was limited to allegations against me, but did not include review of other allegations of misconduct, Jackie’s management, or Executive Committee responses to employee complaints. Second, you conducted your investigation at Jackie’s direction, and, therefore, cannot conduct further investigation that puts her management at issue, which Indianz has done by quoting Nicole Hallingstad and her memos. Third, one question in a new investigation will be the reason for the change in my job title. Your investigation is at the heart of this. As a result, you cannot conduct a new investigation that will evaluate your prior investigation. I hope you understand that if you were to do this, there would be further claims of impropriety leveled at NCAI.

I believe you attempted to conduct the investigation in good faith. The memo changing my title is not based on sexual harassment. But, I also have concerns that the investigation and action against me did not take into account several important considerations. First, it didn’t take into account my concerns that Nicole Hallingstad was circulating to staff that there were “unresolved” allegations of sexual harassment against me, which had to create a bias toward

me for people who did not know me well and an interest in raising every possible complaint about me. I also raised that Nicole was misusing confidential employee information. After I provided these details to you, Jackie told me Nicole had to be handled with “kid gloves,” leading me to believe my concerns were sidelined and action had to be taken against me in an attempt to placate Nicole. Instead, the change in job title gave Nicole a platform to further attack NCAI by using me. I also believe the investigation expanded to unrelated complaints without my ability to respond because they were anonymous and the details not disclosed to me. If I had known the investigation had become a general referendum on my character, I would have asked that the investigation include interviews with colleagues and co-workers who have had positive interactions and relationships with me recently and over the years.

The Indianz story is former employees alleging that I am a “sexual predator” and that both Jackie and the Executive Committee knew about this and turned the other way. It has surprised me that there has been no investigation of the broader allegations in the Indianz article. Our Employee Handbook says that allegations of misconduct will be investigated. Yet no one has asked me a single question, and I am not aware that any of the NCAI staff have been asked about their experiences with me or with management. There has to be an investigative process, and I have to be a part of that process.

Again, I have urged the Executive Committee to direct a new and thorough investigation of the broader issues described in Indianz articles. I believe this investigation is necessary for the health of NCAI, and must be independent and separate from your previous investigation. I hope you agree that this is the proper course.

Sincerely, John Dossett

EXHIBIT PP

Statement of John Dossett Regarding a Question of My Integrity

October 3, 2018

Recently the internet site Indianz has published a story about me, making horrible accusations and spreading false rumors. The allegations include that I am a known sexual predator and the NCAI leadership has looked the other way. All of this is false, and very harmful to me and to the organization. I have attempted to comply with NCAI's confidentiality policy about these matters, but it has backfired. False allegations go in the news, and nobody hears what really happened. My reputation and career are in jeopardy, and I need to respond. I don't intend to be defensive, but I need to be transparent about what I did and didn't do.

Here's the executive summary: 1) I have not sexually harassed anyone, and the facts are detailed below. 2) This is a power struggle by Nicole Hallingstad aimed at Jacqueline Pata. My reputation and career have been sacrificed in that battle. 3) The Indianz story disproves itself. I have been prominently labelled as a "sexual predator" in the midst of the #MeToo movement. Yet, no victim has come forward. There aren't any.

We are in a time where there is little sympathy for a guy who claims to be falsely accused of sexual harassment. I get it. This is the time for an important social movement to protect women from sexual harassment and violence. That movement is vastly more important than me or my career. I want to start by acknowledging the importance of the #MeToo movement, and trying to do the work of owning my actions. I will end there as well, and in the middle try to explain how I got into this unfortunate situation.

1) Supporting the #MeToo Movement and Owning My Actions

The #MeToo movement is long overdue. For many decades in the workplace and everywhere, women have been harassed and assaulted. If they report misconduct, they are disbelieved and their careers are damaged. If they don't report misconduct, they are forced to live in fear. The purpose of the movement is to change the culture that enables some men to get away with this, and to require all men to take a stand against behavior that objectifies women.

I want observe my own actions. I am a 53 year old man who grew up in the society that needs to change. But these social changes aren't new; they have been coming in waves my entire life.

I gained consciousness in the 1970's, and that was a pretty good time for a young man to have his consciousness raised. We had the *Free to Be You and Me* record, and I listened to it hundreds of times. The Equal Rights Amendment was in the news every day. Helen Ready was belting out anthems to female empowerment. My favorite aunts didn't get married; they got jobs and went on adventures. Time Magazine awarded its "Man of the Year" award to "American women," and I recall reading the article without giving it a second thought. Of course women should be equal. That seemed natural.

The 1980's weren't so good for women, and I was affected by that as well. Society slid backwards. Women were judged more on appearance, and I remember getting called out on that by one of my law school classmates. That was also a time when raunchy humor was prevalent and it objectified women. Go back and watch some old episodes of M*A*S*H or Saturday

Night Live, and they make you cringe. I need to reexamine that. I try to avoid it, but I know I have made some inappropriate jokes in unguarded moments.

The 1990's got better. In the early 90's I was in Portland, Oregon and it was about Riot Grrrl and the movement. Women were fierce and they stood up for themselves and I admired that. It seemed like the natural trajectory of women's empowerment was back on course. In 1995, I started working for NCAI as an attorney, and that affected me profoundly. I got married in 1995 to my strong and independent spouse, had a baby girl in 1996, and became NCAI General Counsel in 1997.

Early on in my career with NCAI I vowed to always be professional with women in the workplace. I had at least six reasons. (1) It is morally wrong to harass anyone. (2) I'm married with kids and that responsibility comes first. (3) After that, the job comes first and you need good working relationships with female colleagues in order to get work done in DC. (4) I'm a white guy working for a Native organization. This is thin ice. Only an idiot would misbehave in these circumstances. (5) I admire strong, independent women who stand up for themselves, and wouldn't dream of harming those relationships. (6) It is a sacred responsibility to work for NCAI, and I would never disrespect the mission of the organization by engaging in behavior that would undermine our collective work.

I have been the General Counsel of the National Congress of American Indians for nearly twenty-three years serving under female Executive Directors the entire time. I have been a participant in NCAI Task Force on Violence Against Women and the National Task Force to End Domestic Violence, and was deeply involved in both Violence Against Women Act reauthorizations of 2005 and 2013. Although I am a guy, I have been frequently educated and re-educated to be respectful to women. This is all to say that I have a public role in important institutions and a social movement that strongly support women and are much larger than myself.

And yet, I now find myself accused of sexual harassment. Not only that, I have been labelled a sexual predator. I will relate how this happened from my perspective. Of course you can judge the truth of what I say for yourself. Thank you for giving me a chance to explain.

2) Workplace Culture Shift at NCAI

There are some things that happened within the NCAI staff that set the stage, and I need to own my role in that as well. I have worked for NCAI for 23 years, learning first from Robert Holden. For most of my career, NCAI hired young, idealistic staff, and we worked collaboratively with the entire constituency of NCAI. We didn't have enough staff to cover the issues, and we thought of NCAI as not just the staff, but the entire membership and all the tribal leaders and advocates. We faced externally, working with anyone from Indian Country, and open to partnerships, strategies, contacts, relationships, or writing from any source. We had success with that model. The fight against Slade Gorton in the late 90's; protecting the fee-to-trust regulations, the Tribal Supreme Court Project; Trust Reform, the Tribal Law & Order Act, VAWA2013, etc.

Starting about 2014, NCAI began to hire experienced employees from the federal government or corporate world. These employees brought with them a different culture: turfism, stay-in-your-lane, and pass the buck. They faced internally, and mostly tried to minimize their responsibilities. This approach slowed or diminished our work to advocate for tribes on the Hill and with federal agencies. I definitely resisted the bureaucratic culture they attempted to bring into NCAI. That has been a source of the conflict between me and some of the (former) staff. Some issue would arise where NCAI needed to take action, the Executive Director would ask me to help, and they resented it. I was still in a collaborative mindset; they saw it as invading their turf and creating more work. Among a few staffers, latent hostility towards me began about 2014. In hindsight, I should have been more diplomatic. But I don't really respect anyone who undermines the work of NCAI, so that blame lies with me.

If you wanted to understand a little more about my approach to work, you might listen to the Malcolm Gladwell Revisionist History podcast, "The Big Man Can't Shoot." I don't care about personal criticism of me, as long as we were doing our best to advance the interests of Tribal Nations. All of the bureaucrats have left the NCAI staff at this point. We work too hard, so they vented their unhappiness and left. The current NCAI staff is terrific.

3) NCAI Midyear 2016 in Spokane – Helped Out a Friend, Became the Accused

After the conclusion of the Spokane Midyear in 2016, a large group of NCAI staff went out to dinner a few blocks from the hotel where we were all staying. Just dinner and a few beers. However, one of my colleagues had too much to drink and passed out around 9pm. I thought I should walk with her back to the hotel because I am a senior staff member. I couldn't just walk off and leave her. Nobody else was helping her, they were making fun of her, and she was a longtime friend. I wanted to be a responsible colleague and that was my role as General Counsel. I roused her and we went out to the street.

She was in a stupor, not aware of her surroundings, and there was a lot of traffic in the street, so I held her arm as we walked two blocks. As we got to the hotel entrance, she woke up a little bit, started mumbling, and I asked for her room number to help her find her room. That startled her, and she jumped out towards the street, heavy with traffic. I saw headlights and held tightly to her arm, or she would have been hit. We swung towards the front door of the lobby and encountered another former NCAI staffer. She seemed more alert and she went off to the elevator. I thought that was all there was to it. I felt virtuous. I helped out a friend, kept her out of the street, and packed up for departure.

Five weeks later I learned she felt differently, and had reported that to the Executive Director. I was asked to respond to an allegation that although she wasn't sure what happened, she was uncomfortable that I wanted her room number, and thought it was because I wanted to take advantage of her. I was flabbergasted by this, and I still am. It never crossed my mind. I was just trying to get her safely up to her room so she could avoid further embarrassment.

In hindsight, I can get a glimpse of her perspective. She woke up on the street with a guy asking for her room number and gripping her arm. She got startled and afraid. I didn't see that at the time and I have apologized to her for that. But there was no way to know what she was thinking

or feeling, she was heavily affected by alcohol. I believe it was traumatic for her, but my actions did not cause the trauma, they kept her from getting hit by a truck.

Allegations of sexual harassment are very serious matters, and the Executive Director investigated, and concluded that none had taken place. We walked two blocks on a busy public street between the convention center and the lobby of the host hotel during an NCAI meeting. That was all that occurred. Even if she mistrusted my intentions, that isn't harassment. I held onto her arm so she didn't get hit by traffic. That isn't harassment, and I would do it again for her safety. There were NCAI staff and NCAI meeting participants everywhere all around us. It was a very public setting where most everyone knows me. I have been with NCAI for over two decades and had no history of misconduct. I thought the matter was resolved, and hoped to reconcile with my colleague.

I need to examine my own behavior in this matter. I have faced criticism that I was drinking with my work colleagues. Perhaps I was wrong to do so, but we did it collectively. This was not during the conference; it was the evening after adjournment. It was typical for a large group of staff to go out to dinner afterwards and relax after a hard-working conference. We didn't drink heavily, except for one of us. But that is the risk.

I have also faced criticism that I walked with an intoxicated colleague back to the hotel. She was an old friend, and I thought we were just going to walk two blocks. In fact, that is what we did. In hindsight, I should have insisted that someone else come with us on that two block walk.

In the end, this is my version of events, and anyone can believe what they want. I swear on a stack of sacred and legal documents that this is true, and I did not sexually harass my colleague, or anyone.

4) Nicole Hallingstad Finds an Axe to Grind

Nicole Hallingstad worked as the NCAI staff as Director of Operations. Months after the investigation, Jacqueline Pata told Nicole about the incident described above, and that was my undoing. I am not sure why Jackie decided to tell her about a confidential employee matter, but that is what Nicole reported. Nicole began to spread around a story that there was "an unresolved allegation of sexual harassment" against me. This was wrong for two reasons. First, it was resolved. Second, she was violating the confidentiality of both parties. I think it is fair to mention Nicole by name, because she is quoted in the Indianz story, and she wanted these issues in the public arena.

Why would Nicole do this? I will divert for a little bit and describe the relationship between Nicole Hallingstad and Jacqueline Pata, the current Executive Director of NCAI. Nicole and Jacqueline are both Tlingit, and both serve on the board of the Sealaska Native Corporation. Nicole has a rivalry with Jackie that I don't understand, but seems to have something to do with Sealaska.

Prior to 2015, Nicole Hallingstad worked at Sealaska as the Vice President for Communications & Corporate Secretary. According to the 2015 Sealaska Annual Report, Nicole's employment was terminated and she received a severance payment. The Annual Report doesn't say why her employment was terminated.

Jackie hired Nicole as NCAI Director of Operations in 2015. From the day she started, Nicole was trouble. NCAI paid her a good salary, and she used it to create more headaches than we ever had before. Nicole never saw a task that she couldn't force on someone else. Nicole likes to wield power, and she wanted Jackie's job. I found her difficult to deal with because she isn't really interested in federal Indian policy; she just wants to be in charge. I thought it was odd that we hired someone like that, and tried to avoid her. I don't understand why Jackie hired her, and I don't know why she kept her on. Both Jackie and Nicole have elected seats on the board of Sealaska. It is unfortunate that those politics came into the NCAI staff.

Nicole's primary mode of attack came in the form of complaints that Jackie was mishandling employee matters. It wasn't just my incident; it was anything she could find. She criticized Jackie to the Executive Committee for every possible issue, and she spread her concerns among the staff. That included her allegation that there was an "unresolved allegation of sexual harassment" against me.

Wow, rumors can get distorted. The organization was keeping everything confidential, while an untrue allegation was circulating. I can understand why some of my female colleagues at NCAI became concerned. Somehow I became a "predator."

5) Nicole's Friend Picks Up the Axe

Another colleague, a friend of Nicole, heard Nicole's story about me, and decided to bring matters to a head. She filed her own "sexual harassment" complaint against me. I think it would be fair to mention her by name because she is on Twitter discussing her role and is likely one of the anonymous sources in the Indianz story. But I won't. On February 26, 2018, she filed an "official report of sexual harassment" against me, because she alleged I had once used a crude expression, over a year and a half earlier in the same lobby of the Davenport hotel at the Spokane Midyear. She described how after the conference ended, a group of NCAI staff were watching soccer on the hotel lounge's TV. Here is an excerpt from her report:

As we began to gather our things to head up to our hotel rooms, John Dossett asked the group, "So what's the plan?"

I shared with him what Brian had outlined—that we'd have some down time and meet back in the lobby around 6:00pm to head to The Onion.

"Not until 6:00pm? What are people going to do in the meantime?" he asked.

(Others continued to chat—we were engaged in a side conversation, at this point)

I said, "I don't know...I'm probably going to take a nap."

John retorted, "**Alright, I guess I'll go beat off in my room, then.**"

I was completely shocked and appalled that he, the General Counsel at NCAI for more than 20 years, would make **a reference to masturbation** in my presence and be so nonchalant about it. It was *completely repugnant* and it made me *deeply uncomfortable*. I made a swift exit to the elevators.

I had been the General Counsel for more than 20 years because I don't use expressions like that. I believe I said "**Alright, I'll go back up to my room, then.**" She likely misheard me. We

were in the lobby of a busy hotel, TV blaring sports, crowds all around us, and that ugly expression is one I never use.

She also realleged the prior “unresolved allegation” but not on her own behalf. By now, there was a small group of NCAI staff who were out to get me. Why? Because Nicole was spreading the story of the “unresolved allegation of sexual harassment,” and partly because of the workplace culture concern I mentioned above.

6) The Official Investigation by Sadina Montani

Now Jacqueline Pata had a problem. She had an official complaint of sexual harassment against me, and a small group of employees who were up in arms. She had to do something, or they would take the issues to the Executive Committee, just like Nicole had done previously. Not only that, Nicole would continue to allege mismanagement of employee matters in the Sealaska political arena that both Jackie and Nicole inhabit.

Jackie hired Sadina Montani with the firm of Vedder Price to do an official investigation. Sadina interviewed a number of people on the staff. I don't know who she interviewed, nor have I seen her report. She interviewed me. I told her what I have outlined above.

I also told her my concern that Nicole was wrongly disseminating confidential information and instigating a series of misleading employee complaints in an ongoing campaign to discredit Jacqueline Pata. That Nicole appeared to be engaged in some sort of grudge or power struggle with Jackie, and confidential information was being misused in a harmful way.

Afterwards, I sent Sadina a memo with my concerns about Nicole's false allegations and misuse of confidential information. Quickly I received a call from Jackie. She told me that I was not considering the best interests of the organization. Nicole had to be handled with “kid gloves.” I asked if I would get an opportunity to respond to the false allegations. Jackie replied “never.”

Because of this, I believe Sadina Montani was instructed to ignore my concerns about Nicole Hallingstad and the way she spread false allegations among the staff. The investigation was compromised by the political rivalry of Nicole Hallingstad and Jacqueline Pata. It was diverted from a search for the truth of the matter, in an effort to placate Nicole Hallingstad by responding to her false allegations. I became the fall guy.

On May 2, 2018 I received a disciplinary memo in my personnel file. I didn't recognize myself in the allegations of “unprofessional and inappropriate behavior, including yelling, bullying, being disrespectful, speaking over colleagues, insulting and derogatory emails, and sexually-charged comments.” I work from Oregon, and my interactions with most of the staff come only at formal public meetings, and on conference calls. I don't make sexually charged comments. I don't yell or bully over the phone. I am not saying that my behavior is perfect. However, most of these complaints are exaggerated or untrue.

When Jackie discussed the results of the investigation with me, she said that “people came out of the woodwork” to complain about me. At the time I wondered, how did that happen? This was an investigation of a particular matter, not an open call for complaints. Now we know that there has been an organized campaign by Nicole Hallingstad, as part of her effort to undermine the

Executive Director. The Indianz article indicates that they interviewed seven former NCAI staff, all of them willing to make baseless allegations against me. A confidential investigation works if the participants are honest, but falls apart if they have motives to fabricate complaints.

For nearly a year, Nicole Hallingstad had been spreading concerns that there were “unresolved allegations of sexual assault against John Dossett.” This was false, but I can understand why some of my female colleagues began to mistrust me. Anyone would look horrible through the lens of an “an unresolved allegation of sexual harassment.” That mistrust transformed into the insinuation and innuendo you see in the Indianz article. It was present during the investigation, and it was based on the false allegations of Nicole Hallingstad.

I also believe some of the hostility came from the workplace culture issues I mentioned above. I would characterize my behavior as adamant that the NCAI staff must work hard to fight for tribal sovereignty. I was insistent that we do the hard work of communicating with tribal leaders about the details of important policy issues. I believe NCAI must put pressure on Congress to uphold its obligations. That work ethic didn’t endear me to the people who complained to Sadina Montani. They got a free, anonymous complaint box in the Montani investigation.

When I received the disciplinary memo, I didn’t question the findings because there is no way to win with anonymous complaints. I was told that the investigation was confidential and that there would be a change in my job title. I decided it was in the best interests of the organization to move on and get back to work. With the Indianz article, it is clear that the investigation was not confidential, and this is why I need to tell my story.

7) The Indianz Story

Nicole Hallingstad resigned from NCAI on August 20, 2018, and on August 28 the story about me appeared in Indianz, with Nicole prominently quoted. It was unbelievably painful to read it. I was labelled a “sexual predator.” I have no idea where that came from. I have been faithfully married to my wife since 1995.

In some respects, the article disproves itself. It labelled me as a sexual predator, at the height of the #MeToo movement. One month later, no victims have come forward. Zero. This is because I have never sexually harassed anyone.

8) My Future With NCAI

I don’t know what my future holds, and that causes quite a bit of anxiety. I’ve lost fifteen pounds, I can’t sleep, I went to the doctor and my blood pressure is now a problem.

I know this is tough for the Executive Committee and for the rest of the staff as well. Politically, this is a nightmare. I know that there is a desire to just get rid of me, and maybe that will happen. This is possibly the worst time to have an accusation of sexual harassment, no matter how vague and unsupported by any actual victim.

But, I need a chance to clear my name, and that is the purpose of this response. If I resign under this cloud it will be very difficult to find work as an attorney again. It has surprised me that there has been no investigation of the broader allegations in the Indianz article. No one has asked me

a single question, and I am not aware that any of the NCAI staff have been asked about their experiences with me. I have been accused of being a “sexual predator” but the Indianz story identifies no victim and none have come forward. Other former employees have come forward with positive accounts of their experiences with me. Our Employee Handbook says that allegations will be investigated. I believe the Executive Committee has a responsibility to direct a thorough investigation and get the facts clear.

After that, if the Executive Committee feels I must be forced to go, I would like enough time to transition all of the projects, issues and documents that I have managed for over two decades. I have managed a lot of issues and projects. I have many thousands of original documents. I have cultivated relationships with hundreds of attorneys who work with NCAI collaboratively, often pro bono. The issues have come fast and furious for decades, and I want to hand them off in a good way. I have had a terrific career at NCAI, have deep experience on a broad range of legal issues, and I am an asset to both the organization and the field of federal Indian law. But if NCAI wants to move on, I would like the opportunity to transfer my work in a responsible way.

I always thought I would spend my career working for NCAI, and trying to make a difference for Indian Country. Maybe that won't happen. But I would like to say thank you to everyone I have worked with, and offer my apologies that it all ended so suddenly and strangely.

9) Back to the #MeToo Movement

Everyone is reading and learning about the #MeToo movement, and I have been trying to learn about it as well. I am going to paraphrase from a female friend of mine who is very smart.

There are going to be accusations against men, but those accusations need to be fairly investigated. This is a responsibility to not just the accused, but also to the victims of sexual harassment and assault, to ensure that actions taken under the banner of #MeToo are taken with care and consideration. False or misleading accusations will undermine the credibility of true accusations.

The accusations against me are not #MeToo allegations. There are no victims coming forward to tell their story. Instead, it is Nicole Hallingstad coming forward to tell somebody else's story using vague and misleading allegations. Her motive is to get me fired, and to undermine the leadership of the organization. That isn't what the #MeToo movement is about.

I hope that I get more investigation. I encourage greater transparency. Only by being open and transparent can critical details emerge. Action without the full picture, in response to this poorly sourced article, would be wrong.

I have been very fortunate to work for NCAI since 1995. Whether I continue to work for NCAI or not, it is my greatest wish to restore the trust that we have in each other, and I hope that you will give me the chance to do so.

Very Respectfully, John Dossett

EXHIBIT QQ



NATIONAL CONGRESS OF AMERICAN INDIAN
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October 3, 2018

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Chickasaw Nation
- FIRST VICE-PRESIDENT**
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Prairie Band of Potawatomi Nation
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Ohkay Owingeh Pueblo
- WESTERN**
Franklin Pablo, Sr.
Gila River Indian Community

EXECUTIVE DIRECTOR
Jacqueline Pata
Tlingit

John Dossett
Senior Legal Counsel
4685 SW Flower Pl
Portland, OR 97221

VIA Phone Call, email at rockbiking@gmail.com, and Priority Mail

Dear John:

This letter is to notify you that we are ending your employment with NCAI, effective immediately. As you know, employment with NCAI is at-will in nature, which means that either you or NCAI may end that relationship at any time, with or without cause, and with or without advance notice.

You will receive your regular pay through the pay period ending on October 13, 2018, although effective immediately, you are strictly prohibited from representing that you are employed by or otherwise represent NCAI. Your final pay check will include all accrued but unused leave, consistent with NCAI's policies. You will be contacted by our insurance company regarding COBRA benefits, but please be sure to follow up with the insurance company. You may also wish to check with the finance office about your 401(k) retirement benefits.

We will send a courier to your home on Thursday, October 4, 2018, to pick up the NCAI property in your possession, including but not limited to: (i) your NCAI laptop; (ii) all NCAI hard copy files in your possession; and (iii) all NCAI electronic files in your possession.

We want thank you for your work at NCAI and your commitment to Indian Country.

Sincerely,

Jacqueline Pata
Executive Director

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